

R E P O R T  
OF  
THE GROUP OF OFFICERS  
ON  
PRISON ADMINISTRATION



# C O N T E N T S

(Volume I)

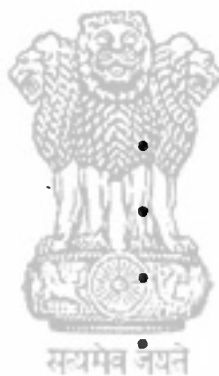
	Pages
PREFACE	i
CHAPTERS	
I PRESENT CONDITIONS OF JAILS IN THE COUNTRY	1
II CATEGORIES OF PRISONS AND PRISON BUILDINGS	6
III PRISON ARCHITECTURE AND BUILDING REQUIREMENTS	12
IV SECURITY ARRANGEMENTS	24
V SOME OTHER MEASURES FOR SECURITY	87
VI PRISON STAFF	104
VII STAFF DISCIPLINE	120
VIII TRAINING OF STAFF	129
IX CORRUPTION AND MALPRACTICES	140
X CONVICT OFFICERS	148
XI RECEPTION AND CLASSIFICATION OF PRISONERS	155
XII DISCIPLINE OF INMATES	164
XIII INTERVIEWS	189
XIV CLASSIFICATION OF PRISONS ON THE BASIS OF SECURITY	199
XV PROBLEMS OF UNDERTRIALS, POLITICAL AGITATORS AND OTHER UNCONVICTED PRISONERS	218
XVI PRISON PANCHAYATS	233

(Volume II)

CHAPTERS	Pages
XVII CELLULAR ACCOMMODATION IN INDIAN PRISONS	237
XVIII ESCORT OF PRISONERS OUTSIDE JAILS	245
XIX COURT DIRECTIVES AND RULINGS	269
XX SUB-JAILS	282
XXI TIHAR JAIL	291
XXII ROLE OF THE CENTRE	318
XXIII SOME PUBLIC IMPRESSIONS ON INDIAN PRISONS	336
XXIV SECURITY vis-a-vis REFORMATION	344
XXV SUMMARY OF OBSERVATIONS AND RECOMMENDATIONS	349

APPENDICES

I	.	.	.	.	.	439
II	.	.	.	.	.	441
III	.	.	.	.	.	442
IV	.	.	.	.	.	445
V	.	.	.	.	.	474
VI	.	.	.	.	.	477
VII	.	.	.	.	.	482
VIII	.	.	.	.	.	483
IX	.	.	.	.	.	484



## PREFACE

Security and discipline are basic requirements of any prison system. They are germane to all its activities including those connected with reformation and rehabilitation of prisoners. Society expects that offenders in the charge of prison authorities should be kept in safe custody and incidents of escapes cause serious dissatisfaction among the people. In recent years, such incidents have been reported often and in a number of cases even highly dangerous prisoners have managed to escape from jail custody. Incidents of indiscipline by the prisoners and serious negligence of duties and malpractices by the prison officials are also taking place frequently. All these reflect deterioration in security and discipline, both of inmates as well as the staff, in the prisons. The Government of India felt seriously concerned over these developments and they, vide Ministry of Home Affairs notification No. V-16014/3/86-GPA-IV dated 28th July, 1986 (Appendix I), constituted a Group to look into the security and discipline and closely related aspects of prison administration. I was asked to work as Chairman of this Group and the following were appointed its members;

1. Shri R.L.Handa,  
Director General of Prisons,  
Tamil Nadu.
2. Shri A.K.Basak,  
Joint Secretary,  
Ministry of Home Affairs.
3. Shri S.D.Trivedi,  
Joint Director,  
Intelligence Bureau.



4. Shri V.R. David,  
Inspector General of Prisons,  
Maharashtra.
5. Shri Brihaspati Sharma,  
Inspector General of Prisons,  
Uttar Pradesh.

2. Shri S.D. Trivedi was subsequently replaced by Shri Kalyan Rudra, Joint Director, Intelligence Bureau. In accordance with Ministry of Home Affairs order No.V-16014/3/86-GPA-IV dated 13th August, 1986 (Appendix II), it was decided that Shri A.K. Sharma, Director in the Ministry of Home Affairs, would function as Secretary of the Group and coordinate all matters pertaining to it. The State Governments were informed about this vide Ministry of Home Affairs letter No.V-16014/3/86-GPA-IV dated 22nd August, 1986. (Appendix III).

3. The terms of reference of the Group were as follows:
  - (a) to examine and review various aspects of administration and management of prisons especially in the context of security and discipline in prisons; and
  - (b) to suggest measures for their improvement.

The Group was required to submit its report within six months. Since it was not found possible to do full justice to the task assigned to the Group in this period it was extended till the end of July, 1987.

4. The Group adopted the following broad approach and methodology for its programme of action:

- (a) Issue a questionnaire eliciting information from the State Governments, Inspectors General Prisons, prison personnel and other agencies.
- (b) Visit jails of different categories and allied institutions in various States.

- (c) Interview persons who have knowledge about the various aspects of prison administration.
- (d) Study literature which may be of help to the Group in its work. This included study of jail manuals of the States, reports of the commissions or committees appointed by the Government of India and the State Governments, in the past, to look into jail matters, reports on important cases of prison riots and escapes from jails, literature on security system in jails of some foreign countries, etc.

5. A questionnaire (Appendix IV) was sent by the Group to the Home Secretaries and Inspectors General Prisons of various States and Union Territories on 4th September, 1986. 21 States and 5 Union Territories responded to the questionnaire. Many of the States and Union Territories took considerable time in sending their replies. Most of the replies to our questionnaire lacked details on many points.

6. The Group made an extensive programme of visits to different categories of jails and other prison establishments in as many States as possible. Appendix V gives a list of jails and other prison establishments in the various States which were visited by the members of the Group. Most of the visits were done by the Delhi based members of the Group as the outstation members could not find it convenient to come for these visits due to their preoccupation. I was happy that I could visit 66 prisons and allied institutions. During our visits to the States we held detailed discussions with the officials of various ranks posted in the prisons, the senior officers of the prison department, and the Secretaries, Home

Department, who are usually in-charge of prisons. We also met such retired officers who had had long experience of prison work. In many States, we discussed the prison problems, especially those connected with security and discipline, with the Chief Ministers and Ministers in-charge of jails and the Chief Secretaries. We found these visits and exchange of views with various persons highly useful in getting a thorough idea of various problems connected with the working of the prisons. Since security and discipline are closely linked with almost all aspects of prison activities, these visits and discussions, which were free and frank, proved very valuable to us in acquiring a good understanding of the grass-root conditions in the prisons and in formulating our views. We were welcomed everywhere and got maximum cooperation from the authorities of the various States and we are highly thankful to them for the same.

7. In our country the responsibility of escort of prisoners from the jails to courts and other places is that of the police. Incidents of escapes during transportation of prisoners from one place to another are reported frequently and, often, high security and dangerous prisoners manage to escape from the custody of the escorting parties. The police parties, who perform these escort duties, do not form part of the prison administration. We, however, decided to examine the subject of the escort of prisoners outside the jails as it is vitally linked with the security of those lodged inside. We issued a questionnaire (Appendix VI) in this connection to the various State Governments and DGs/IGs Police and we received replies from 26 States and Union Territories. During our visits to the States, too, we discussed this matter

with the prison authorities as well as the local police authorities. We have incorporated in our report a special chapter on the escort of prisoners outside the jails in which we have examined, in detail, various problems and weakness in the prevailing system and have made recommendations for its improvement.

8. Our recommendations in this report for the improvement of security and discipline in various areas of prison administration are based on an overall study and examination of the situation prevailing in different States. We have not made separate studies of specific jails except Tihar Jail in Delhi. We decided to make a separate study of this jail in view of its unique position. This jail has been in the limelight for quite some time and it has earned considerable notoriety in recent years. In terms of population it is the biggest jail in the country and it has also been subject of serious criticism and highly adverse comments by the Supreme Court. Some of the orders and directions given by the Supreme Court, especially in matters of security and discipline, on the basis of writ petitions filed against the Tihar Jail administration, have affected the working of the jails in all the States. In view of these and other special features of Tihar Jail, we made a special review of the conditions prevailing there.

9. We were able to obtain some literature on the prison systems in the western countries and the studies undertaken there for custody of prisoners requiring maximum security. We found them extremely useful. They also provided valuable information on the use of electronic and other sophisticated equipment in the prison security arrangements. Two members

of our Group, Sarvashri A.K. Basak and Brihaspati Sharma, while returning from Seoul, in September, 1986, where they had gone to attend the Seventh Asian and Pacific Conference of Correctional Administrators, visited some of the prisons in Japan, Hong Kong and Thailand and had exchange of views with the prison officials of these countries. Some of the information brought by them was found by us quite useful.

10. The total picture of the jail administration, as it has emerged on the basis of our study, is very depressing. The main problems are over-crowding in many jails, high percentage of undertrials, deplorable living conditions, lack of basic facilities, absence of segregation and scientific classification of prisoners, inadequate staff and neglect of its training. There is little coordination between the prison administration and the departments whose actions affect the working of jails. The increasing political interference in the jail administration has also been badly affecting its efficiency and performance. All these factors have generally resulted in weak security and poor discipline, both among the staff and inmates. The main reason for the various ills prevailing in our prison system is that the State Governments give very low priority to the jail departments and spare inadequate funds for them. The jails in most of the States continue to be operated on the basis of outdated jail manuals. The All India Jail Manual Committee (1957-59), which was appointed by the Centre, made highly useful suggestions for improvement of the jails

and also produced a 'MODEL JAIL MANUAL'. We were disappointed to know that in many of the States the exercise of reviewing the jail manuals was still going on. The Centre has been supplementing the States' efforts for improvement of the jails by granting financial assistance. However, recently, when the Centre had offered to extend financial assistance on the basis of matching grants, we understand that a few States were reluctant to match their share and expected 100% grant from the Centre. The conditions of the jails in our country will continue to deteriorate unless the State Governments accord them higher priority, spare more funds for them and put a stop to political interference in their operations.

11. During our visits to the States, we understood that they would welcome and value advice and assistance from the Centre for bringing about uniformity in the operation of the prisons, in strengthening their security and in matters like training of jail staff, laying of standards/norms for prison architecture and standardisation of prison records. A stage has reached when the Centre should play a more active role and take initiative in bringing about improvements in our prison system, as it has been doing with respect to the police. The Centre should have an adequate and effective machinery for this task.

12. The jails, along with the judiciary, the police and the executive, form the main wings of the Criminal Justice System and in many areas their functioning is closely inter-linked. Separate studies of the problems of these wings have

been undertaken, from time to time, at the instance of the Centre. There is, however, need for coordinated examination and review of the Criminal Justice System as a whole, specially in matters where the functioning of its various wings affects, directly or indirectly, that of others, particularly the prisons. The recent directives of the Supreme Court envisage that the judiciary should exercise oversight functions over the jails. The management of a jail, specially in regard to custody, security and control of the prisoners, is vitally affected by the day-to-day orders of the courts. The jail administration has now to deal more and more with such prisoners who are violent, difficult, dangerous or aggressive types. A number of them are sophisticated criminals and some are quite influential and moneyed. In view of the deteriorating security environment, the presiding officers of the courts, at district and sub-divisional levels, should acquaint themselves thoroughly with the practical problems of the local prison administration and the police escort arrangements. The prosecuting staff and the counsels engaged to represent the prison administration in cases filed against it should make a greater efforts to explain to the courts its limitations and difficulties.

13. The people and the media are generally keen to know about the conditions prevailing in our jails. The image of the jail department in the mind of the public is greatly influenced by media reports which are often based on deficient information or conjectures. The present closed policy of the State Governments regarding prisons vis-a-vis

the public and the media has created an impression of mystery about our jails. Even when concrete measures are adopted for the welfare of prisoners, little is done to inform the public about them. The prison administration should, from time to time, make available to the media objective, factual and verifiable information. Conducted tours of people from responsible sections of society, the media and social welfare organisations to selected prisons may be organised. Good relations with the media and disclosure of information about the prisons will help in making the people appreciate their legal, custodial and operational problems.

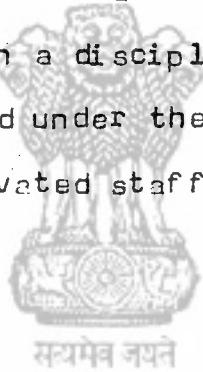
14. We were conscious of the fact that the reader might find repetition of some points in a few chapters of our report. We found that this could not be avoided as essential features of the jail administration, specially those connected with security and discipline, needed to be stressed in appropriate context.

15. Our work has considerably handicapped because of highly inadequate secretarial assistance. A lot of burden had to be borne by my personal staff and I am particularly thankful to Shri G.S.V. Gopalaseshan, my Private Secretary, and Shri T.C.Juneja, Personal Assistant. I would like to make special mention of the painstaking work done by Shri Pradeep Bahree, A.S.I. (Clerical), whose services were loaned to us by the Director General, CISF and later by the Director of Intelligence Bureau after he had gone on deputation to that department. Shri A.K.Sharma, Secretary



of the Group, could pay very little attention to its work. I am highly thankful to all the members of the Group for their cooperation. They and the Secretary made valuable contribution in finalising our recommendations.

16. In conclusion, it should be said that our recommendations for improvement of security and discipline in different types of prisons in the country are not aimed at making the lives of the inmates more restrictive or harsh. Better security can be achieved by firm discipline combined with humane behaviour and corrective treatment aimed at promoting self-respect among the prisoners. Programmes for reformation and rehabilitation of prisoners can be best pursued in a disciplined, constructive and secure environment and under the supervision of alert, well-trained and motivated staff.



Sd/-

(R.K.KAPOOR)  
CHAIRMAN

July 29, 1987.

## CHAPTER I

### PRESENT CONDITIONS OF JAILS IN THE COUNTRY

1.1. The jails in our country have, from the very beginning, presented an unhappy and gloomy picture. Even in the British days of which the present jail system is a legacy, their conditions were highly unsatisfactory. The British appointed a number of committees, from time to time, to examine the problems of Indian jails and suggest measures for their improvement. Some of these committees made quite useful recommendations, but conditions in the jails did not improve much. After independence, also, the Central and the State Governments have expressed considerable concern about the deteriorating conditions in the jails. A number of committees and groups were appointed, both by the Centre and the State Governments, to study and examine their problems and make recommendations for reforming them. The reports of some of these committees/groups contain in-depth studies of the various aspects of the prison administration. They also contain purposeful recommendations for its overhaul. Adoption of reformist objectives of incarceration and modern techniques for their management have been advocated. The most recent Report of the All India Committee on Jail Reforms (1980-83), hereafter referred to by us as 'Mulla Committee', is a valuable document on prison reforms. Most of the recommendations made in these reports are yet to be implemented. The jails constitute a State subject and have invariably received a very low priority in the State budgets and much less in the overall scheme and management of the criminal justice system. For some

decades there has been general constancy about the nature of ills which plague the jails in our country. These have been emphasised from time to time, by the various committees/groups on jail reforms. The salient features highlighted by almost all these bodies are:-

- i) over-crowding in several prisons resulting in problems of security, indiscipline, riots, violence, smuggling of contraband, etc.;
- ii) dilapidated condition of prison buildings and absence of even basic facilities, shortage of water supply, inadequate number of latrines, poor sanitary and hygienic conditions with near sub-human conditions in several prisons;
- iii) absence of proper classification of prisoners resulting in huddling together of various categories of inmates;
- iv) inadequate medical service and absence of psychiatrists;
- v) lack of incentives to prisoners for work;
- vi) inadequate prison staff and lack of proper training.
- vii) corruption and malpractices in prisons;
- viii) inhuman and harsh behaviour of the staff towards the inmates, often using oppressive methods;
- ix) lack of coordination among the police, prosecution, judiciary, prison, probation and executive functionaries;
- x) increasing problems of security;
- xi) deplorable conditions in the sub-jails.

1.2. After visiting a number of jails of various categories in different States, and holding discussions with a large number of people knowledgeable or connected with administration of the jails, we observed that there had been little change in the above conditions in most of the jails. In some of the States the conditions had even worsened since the Mulla Committee report. We learnt that in most of the States there was increasing deterioration in the morale, performance, efficiency, work-attitude and discipline of the staff of the jail department. There is also increasing political interference in the jail administration particularly in recruitment, postings and transfers of staff and also in facilities to be given to well connected prisoners. The security and safety arrangements in a large number of jails have many weaknesses. The general image of the jail department in the public mind all over the country is very poor with jail officials generally being considered as harsh, corrupt and impersonal. It emerged that the major factor for the continued deterioration in the prison system in the country was the very low priority accorded by various State Governments to this sector which otherwise also has remained neglected for long.

1.3. There are certain essential requirements and pre-requisites for bringing about improvements in the prevailing conditions in the jails and for laying the foundations of a progressive prison system. Some of the important and basic pre-requisites are as follows:-

- (a) making thereformative and rehabilitative approach a reality in the prisons;
- (b) scientific and human approach towards handling and treatment of offenders;

- (c) de-congestion of prisons afflicted with chronic over-crowding, and making prisons into manageable administrative units;
- (d) improvement in living conditions and provision of basic facilities so as to making them compatible with human dignity;
- (e) removal of prevailing dissatisfaction among the members of prison service and need for proper training to create a cadre of devoted prison personnel;
- (f) all round tightening of security arrangements in the prisons;
- (g) measures to improve discipline, both among the inmates and the staff;
- (h) identify the areas of prison administration where corruption and malpractices are rampant and take stringent measures to root out these evils;
- (i) adoption of principles of modern management in prison work.

It is essential that these basic requirements should be fulfilled to remedy the chronic ills and to ensure that prisons are operated in an efficient, secure and effective manner to achieve the objective of making them institutions for correction, reformation and rehabilitation of offenders.

1.4. Security and discipline being fundamental to any prison system are organically linked with all aspects of prison work. They are essential not only for efficient operation of prison administration but also for pursuing

correctional and reformative programmes. Like other areas of jail administration, there has been considerable deterioration in matters of discipline (both among the staff and the inmates) and security. In recent years, there have been serious cases of escapes of dangerous and devious prisoners from custody. Incidents of attacks on prisons from outside, by taking advantage of vulnerability in their safety arrangements, and securing release of high risk prisoners are being reported. There has also been a considerable and qualitative decline in staff discipline when problems connected with control of prisoners are increasing. Hence, there is a dire need to examine and review all aspects of security arrangements and various issues relating to discipline in different categories of jails with a view to take remedial action. Reasonable living conditions, appropriate security, high discipline, humane and sympathetic behaviour towards the prisoners with correctional treatment programmes based on individual needs of inmates should be the basic objectives of our prison system.

## CHAPTER II

### CATEGORIES OF PRISONS AND PRISON BUILDINGS

2.1. The jails in various States fall mainly into the following categories:-

- (i) Central Jails;
- (ii) District Jails (in some States they are classified as Class I, Class II and Class III);
- (iii) Sub-Jails;
- (iv) Open Jails;
- (v) Borstal Schools;
- (vi) Other institutions, including exclusive women's Prisons (only in a few States).

Manipur has got one camp jail for drug addicts. Appendix VIII gives the number of jails of various categories in the country.

2.2. The closed prisons, viz. Central Jails, District Jails and Sub-Jails have been classified into these three categories on the basis of inmate capacity, resources and facilities available in them and the type of prisoners intended to be lodged there. All the three categories of jails have both undertrials and convicts. Convicts with longer terms of imprisonment are mainly kept in Central prisons, while those with only very short term (two months) imprisonment are kept in sub-jails. The sub-jails are used mostly for keeping undertrial prisoners of various age groups. All the three categories of closed prisons are generally marked with overcrowding, inadequate accommodation, absence of segregation facilities and insufficient staff. The condition of buildings in most of the jails is deplorable. There is lack of proper lighting, water supply and toilet facilities. Drainage and

sanitation are extremely poor and dirty drains with stagnant water, breeding mosquitoes and flies, can be seen in many jails. There is almost perpetual neglect in regard to white-washing and repairs, specially of the accommodation barracks and cells. Night lavatories which form part of living barracks, cells lack flushing facilities and their foul smell is breathed by the inmates all the time. Over-crowding has reached such dimensions that in many district and sub-jails inmates living in barracks cannot even easily stretch their legs while lying down and in some sub-jails they have to sleep in shifts.

2.3. Both in central and district jails the inmate population consists of all types of offenders, women offenders, juvenile delinquents, habitual criminals, undertrial prisoners, detenus, civil prisoners, military prisoners, lunatics (both criminal and non-criminal). Although separate wards and enclosures/yards have been provided for some classes of prisoners, it is virtually impossible to segregate various groups of inmates when they are confined in the same institution. In most of the States more than half of the total population in the closed prisons consists of inmates awaiting investigation or standing trial. Although limited attempts at separation of convicts, as per instructions in jail manuals are done, male undertrials of all types are huddled together in the wards earmarked for them.

2.4. Apart from absence of proper segregation of different categories of prisoners in the jails most of the prisons have several locational and structural shortcomings. Many of the jails are located in congested areas in the hearts




of cities with tall buildings overlooking them and providing unhindered view of the security arrangements and other activities inside the jails. Contraband items can also be easily thrown in from these buildings inside the jails. At some places criminal elements, jhuggi dwellers and stall-owners have stretched their hutments right upto the perimeter walls as no sterile zones around the jails exist. Structural shortcomings will be described at appropriate places in subsequent chapters.

2.5. For separation of various categories of prisoners as statutorily laid down in the jail manuals and for their scientific classification to pursue correctional and treatment programmes and, above all, for ensuring proper security and discipline among the inmates, it is essential that they should be segregated into as small groups as possible. We should plan for dormitory accommodation for small groups - at the most of 10 to 12 inmates. Attached lavatory and bathing facilities should be provided with each dormitory and the present system of having separate blocks of lavatories should be given up. The inmates lodged in these smaller dormitories of 10-12 capacity should have the opportunity of larger congregation at fixed hours in the enclosure/yard of the ward for exercise, association, etc. In a ward, the number of such smaller dormitories should not be more than five so that when the inmates are brought out of them into the open yard/enclosure their number is manageable. There should also be opportunity of association while engaged in work programmes, including industries, agriculture, etc. This arrangement would help in maintaining better control and discipline and organising

thorough searches, when necessary, and in identifying troublesome and turbulent elements. Segregation into smaller and homogeneous groups would be helpful in prisoners' diagnosis and planning and execution of treatment programme.

2.6. The Jail Manual Committee (1957-59) has recommended the creation of diversified institutions to provide for separate facilities for children, young adults, non-habitual adult offenders, habitual, professional and organised criminals, offenders who are difficult discipline cases, women offenders, offenders suffering from mental disorders, old and infirm offenders, leprosy and T.B. cases and undertrial prisoners. The Committee also recommended the creation of open institutions and recognised the need for sub-jails.

The Mulla Committee had recommended the construction of new buildings for the categories of prisoners mentioned below:-

- 
- (i) separate jails for undertrial prisoners;
  - (ii) separate institutions for women offenders;
  - (iii) separate institutions for young offenders;
  - (iv) arrangements for mentally sick prisoners;
  - (v) open camps - mobile and permanent - for prisoners sentenced to less than one year;
  - (vi) semi-open and open prisons for prisoners sentenced to less than one year and more;
  - (vii) camps for those courting arrests during non-violent, social, political and economic agitations for declared public cause.

2.7. We agree with the recommendations of the Jail Manual Committee and the Mulla Committee. However, during our visits to the States we were told everywhere that due to

acute financial stringency the State Governments were not in a position to spare funds for construction of new institutions. Even for repairs, renovation of existing buildings and for providing minimum basic facilities for the inmates the State Governments are unable to provide money. After the Centre has agreed to provide funds for the jail buildings under the recommendations of the Eighth Finance Commission, plans are being drawn in the States to construct new buildings in place of those jails which are to be shifted from highly congested areas in the cities or for replacement of those district and sub-jails where there is unbearable over-crowding, deplorable living conditions and absence of minimum requirements for running the institutions. Plans have also been made to create separate institutions for women offenders. Some States are planning to create camps to lodge non-violent political agitators. However, in the present circumstances, there seems to be little possibility of the States creating separate institutions for undertrials in districts or sub-divisions/talukas.

Without substantial financial assistance from the Centre the States are unlikely to take up the programmes of creating diversified institutions, although they accept the need for the same.

2.8. Keeping these circumstances in view we recommend that while the long range objective should be to create diversified prisons at this stage the following action should be taken in order of priority in regard to existing prison buildings:-

- (i) renovation and improvement of the conditions of the existing buildings and provision of basic facilities like adequate number of toilets,

bathing and drinking water arrangements and electric lighting;

- (ii) creation of additional accommodation in the existing buildings to remove the pressure of over-crowding;
- (iii) creation of units for quarantine, observation scientific classification and pursuing of treatment programmes;
- (iv) arrangements for segregation of inmates in smaller groups; existing larger barracks should be converted into smaller dormitories by raising partition walls;
- (v) separate arrangements for women offenders and young offenders;
- (vi) wherever necessary, creation of special security wings in the existing prisons;
- (vii) construction of new prison buildings in place of those whose replacement has become unavoidable;
- (viii) training institutions at the State and regional levels;
- (ix) creation of family quarters for 75% of staff at each of the existing prisons in the next 5 years;
- (x) establishing camps for those courting arrest during the non-violent socio-political and economic agitations for public cause;
- (xi) separate arrangements for mentally sick prisoners;
- (xii) earmarking a few existing jails exclusively for convicts and the rest for undertrials as the percentage of the latter is higher and has been increasing.

### CHAPTER III

#### PRISON ARCHITECTURE AND BUILDING REQUIREMENTS

3.1. There is a close relationship between the architecture and design of a prison building and management philosophy. In the past the prisons were considered only punitive institutions and the prison buildings were designed mainly from the point of view of security and custody. In these traditional buildings the emphasis was upon establishing an environment of regimentation and inhibition. This led to the evolution of fortress type prison buildings and this is the design of most of the prison buildings in our country which were built in the pre-Independence period. They have circular or radial layout and most of the central jails and a large number of district jails have been built on the same lines. The sub-jails and the district jails created after upgradation of sub-jails do not have any common design features. They are mostly very small buildings with two to three rooms to lodge the prisoners (mostly undertrials) and even from security point of view many of them are quite vulnerable. With the new approach in correctional philosophy it is necessary that the design of the new buildings should combine secure confinement with opportunities for effective rehabilitation through job training, education, health, social programmes, etc. The prison architecture should also reflect the new prison philosophy.

3.2. We were told during our visits to the States that due to acute financial stringency there were plans for construction of only a very small number of new prison buildings. The present plans are mainly for replacement of some of those jails

which are located in highly congested areas and those sub-jails where there is not only excessive over-crowding but also almost sub-human living conditions. There are no plans to replace even those jails whose buildings are in deplorable state and where apart from over-population, there is little or no scope for providing facilities for correctional programmes in accordance with the modern concept. During our visits we found that wherever new buildings are being planned the designs are mostly on the basis of older models. It is necessary to lay down guidelines for the construction of new prison buildings and this can be best done by the Central Government. The Ministry of Home Affairs should appoint a committee consisting of architects and engineers and two or three Inspectors General of Prisons of States to lay down minimum standards and specifications in prison construction and prepare type designs and plans for prisons of different categories. The model designs prepared by this committee can be adopted by the States after making alterations, if necessary, based on factors of local climate, types of prisoners to be kept in a particular jail, etc. The Centre has already offered funds to the States, under the recommendations of the Eighth Finance Commission, for construction of new prison buildings and in future also financial assistance to the States for this purpose would be necessary. It is, therefore, essential that this committee should be appointed early and it should complete its task expeditiously. The services of the committee should also be available to the States for consultation and obtaining expert opinion in regard to building plans/designs made by them independently for construction of some of their prisons.

3.3. During our visits to the States we saw some of the prison buildings which has been built in recent years and also the plans of some buildings whose construction is likely to be taken up in the near future. We found that proper planning had not been done in regard to the buildings which had been newly constructed and they lacked a number of requirements relating to security and correctional treatment. Some of the points noted by us were the following:-

- (i) watch towers along the perimeter wall and the central observation tower had constructional defects and some of them were wrongly positioned; in one prison they overlooked the female ward and thereby encroached upon its privacy;
- (ii) stairs of the observation tower were defective and so flimsy that the staff was afraid of going up the tower;
- (iii) wooden doors fixed in some of the rooms were very weak and had already got warped while they are meant to last decades;
- (iv) fixing of grating in a defective manner as to allow possibility of escape;
- (v) not covering the outer gate of the main gate with steel sheet and thereby permitting the public outside to see all activity and the weak strength of the warder guards in the main gate area and risk of attack on them from outside with a fire-arm;
- (vi) no provision of interview rooms and where such rooms have been built they are too small and no waiting rooms for visitors have been provided;

- (vii) separate rooms for searches of incoming and outgoing prisoners and staff members have not been provided and it is expected that this activity should continue to be done in the main gate area where atmosphere is always anything but orderly;
- (viii) segregation walls of the wards/yards have been extended upto the outer perimeter wall; the points where these walls meet would make escapes easier;
- (ix) little scope for segregation among the various categories of prisoners; at one place a barrack for lunatics has been built in the yeard which has accommodation for undertrials;
- (x) mixing up of the common facilities with accommodation wards; in one prison, the passage to the kitchen block was through the convict ward thereby necessitating the gate of this ward being kept open all the time;
- (xi) little scope for separating the inmates into smaller groups by lodging them in small dormitories/barracks; in most of the new buildings big barracks, each with a capacity of 40 to 80 inmates have been built or are being planned; to save space and cost double storeyed blocks with as many as 4 to 6 barracks in the same yard have been built; thus 200 to 300 prisoners and in one prison more than 700 prisoners congregate simultaneously in the yard at the opening time;



- (xii) no provision for reception or quarantine ward and for scientific classification and treatment;
- (xiii) lack of attached toilet and bathing facilities; in one prison under construction such facilities for almost the entire population have been concentrated at the same spot and collection of such a large number of inmates simultaneously will create management and control problems;
- (xiv) no action for proper landscaping even where open lands are available, both inside and outside the prison; haphazard tree plantation, especially inside the prison.

3.4. Since a prison building is planned to last a long time and once constructed it is difficult to make major changes in its design, it is essential that considerable thought should be given to pre-construction planning and designing. Assessment and evaluation of the requirements for a new prison building is the responsibility of the prison department of the State while designing and construction is done by the architect of the State Government and by the State PWD, respectively. Very close coordination between them is necessary. For pre-design planning the concerned I.G. Prisons should appoint a committee in his department which under his guidance should work out, in detail, all the requirements for the new prison and a record of this should be kept in the I.G.'s office. The committee should, inter-alia, take into consideration the category of the prison to be built; the number of prisoners and the staff to be accommodated; security categorisation of the prisoners; classification of various categories of prisoners; the type of work and training programmes proposed

to be organised in the institutions; and, the requirements of security and discipline. The committee should convey in concrete terms the main needs of the new prison to the architect and the engineers responsible for construction. A senior officer who is well conversant with the detailed requirements of the building should be appointed by the I.G. Prisons to maintain constant liaison with the architect and the PWD department. This liaison officer should normally be not changed till the construction of the building is completed and during the construction he should spend considerable time at the site along with the engineers supervising the construction.

3.5. As mentioned above, for quite some time, the prisons were being considered as penal institutions and their regimes were guided entirely by considerations of security and custody. In this context, prisons in western countries were designed for single cell occupation and the prevailing correctional philosophy was based on silence, penitence, isolation and harsh discipline. Inmate circulation was confined to secure and enclosed corridors which ensured control and restricted movement. An enlightened correctional philosophy involves providing opportunities to the inmates for association and involvement in individual and group programmes. Now, the inmates in the prisons in western countries are being lodged in separate rooms with better facilities and are allowed greater 'out-of-cell' time. With effective perimeter security and outdoor lighting system outdoor walks between housing units and central facilities are

being now allowed. In our country, even when the jails were considered mainly punitive institutions, the living conditions for the inmates inside the prisons were far more liberal. In Indian prisons cellular confinement was limited only to high escape risks and condemned prisoners and to punishment cases. The rest of the inmates were lodged in large barracks/dormitories with capacity of each generally varying from 50 to 100 persons. This provided them ample opportunity for meeting and association when locked up and at the time of opening of barracks they congregated even in still larger numbers in the open areas of the wards. They were also allowed, from the very beginning, to move from one part of prison to another through open spaces and there were no closed corridors for such movement. This liberal approach in lodging and movement created increasing management problems from the point of view of security, discipline and control. As financial stringency precludes arrangements for lodging of prisoners in individual rooms in our prisons, it is essential that they should, at least, be kept in as small groups as possible. We feel that our present objective should be to create rooms (dormitories) with a capacity of 10-12 prisoners at the most, and we should gradually aim at smaller and smaller dormitories and as many single rooms as possible. Separation into smaller groups will help not only in ensuring better security, discipline and control, but also in creating more and more homogeneous groups of inmates for pursuing correctional programmes and for greater staff-inmate inter-action to lessen tension and hostility between the two sides and to reduce the 'us' and 'they' dichotomy.

3.6. We recommend that while planning for a new prison building the following points should be kept in view:-

- (i) The building design should combine the security needs with functional utility and provide an atmosphere which may promote work efficiency as well as harmonious relations between the staff and inmates and among the inmates themselves.
- (ii) For location the site selected should not be at a low level, nor close to seashore or international borders or adjoining airfields or on busy road fronts. Thickly populated and congested areas should be avoided but it should also not be too far away from the main town or district headquarters. Nearness to the town will help the prison administration in maintaining closer liaison with officials of other departments, in meeting the day-to-day requirements of the institution, in maintaining contact with social and voluntary organisations and in organising community linked correctional programmes. Availability of facilities for schooling, shopping, medical aid, etc. for the family members of the staff living in the jail area have also to be kept in view.
- (iii) The jail should not be of too large size. It is not advisable to plan a central jail for more than 750 residents and a district jail for 500 inmates.

- (iv) There should be scope for individual occupancy as far as possible. So far, the individual occupancy has been in terms of cells for solitary confinement or for punishment cases with all their formidable features. We should plan for 'rooms' - and not 'cells' - as they meet goals of decency and humanness and they provide more flexibility and better security.

Inmates with disruptive behaviour can be controlled better if lodged in single rooms. Such rooms are more manageable and safe for both inmates and staff and can be supervised and controlled by lesser number of staff personnel. The initial construction cost for single rooms is higher than that for multiple occupancy buildings but there are long term advantages in this type of construction. However, some cells for segregation of inmates and for purposes of security and punishment would be needed.

- (v) Multiple occupancy should be in terms of rooms (i.e. dormitories) for 10 to 12 individuals at the most. Segregated groups in smaller dormitories can be controlled and managed better from the point of view of security, discipline and contamination. With smaller groups it would also be easier to assess the prisoners as individuals and formulate and arrange their correctional programmes.

- (vi) Both individual rooms and groups dormitories should have attached toilet and bathing facilities. On an average, one latrine with flush system should be provided for six inmates. To ensure better and quick cleaning the walls of the latrines should be tiled and the floors of smooth stone (like Kota stone). Extra expenditure on this, initially, will add a lot to the prison hygiene and in the long run be a saving on repairs.
- (vii) There should be provision of family quarters for all members of the staff in close proximity of the prison in an exclusive campus.
- (viii) Provision should be made for creation of special security wings in prisons.
- (ix) There should be provision for reception and classification and for individualised treatment of inmates through diversified educational and work programmes.
- (x) Provision should be made for workshops, vocational, educational and recreational facilities; assembly houses and gymnasium; hospitals and welfare services; administrative blocks, interview rooms, canteens, rest rooms for the staff.
- (xi) Building technologies should be so devised so that the requirements of security, which are

absolutely essential, are met, wherever possible, through unobstrusive physical controls. Also, a sterile area all round the prisons, secure perimeter walls, search rooms, control rooms, adequate gaps between the inner segregation walls of the wards and the outer perimeter wall are essential. In special security prisons there should be watch towers along the perimeter wall. There should be a central observation tower inside all closed prisons.

- (xii) A road for mobile patrolling outside the perimeter wall should be built.
- (xiii) Instead of old radial/circular model a rectangular model can meet the requirements of security, custody and treatment equally well. In rectangular model the inside area of the jail does not appear very formidable and oppressive and it provides more scope for open grounds, for landscaping, games, outdoor programmes etc.
- (xiv) In the open spaces both outside and inside a prison building, suitable landscaping should be done in consultation with experts. Landscaping contributes to creation of a non-institutional atmosphere and in softening the harsher environment of the prison.

- (xv) Building roofs should be free from spaces which provide potential for hiding. Tiled roofs should be avoided as holes can be made into them easily and wooden/steel bars constituting their supporting structures can be removed and used as escape tools. The big roof area of the administrative block should be made secure by fixing barbed-wire or some other suitable device.
- (xvi) A mail room for opening, inspecting and sorting of inmate letters should be provided.
- (xvii) A separate admission room in the administrative block and near the main gate should be provided for all activity connected with new inmates which would include orderly receiving, identification, initial screening, searches, photographing, etc. The admission room should be secure and it should have 'view window' so that the staff can see into the room from outside also.

In addition to what we have recommended above in regard to the prison buildings, we also agree with the recommendations of the Mulla Committee made by it in Chapter V of its report.



## CHAPTER IV

### SECURITY ARRANGEMENTS

4.1. During our visits to the jails in different States and Union Territories we examined the main areas of prisons where security arrangements are required throughout day and night and the position is discussed in the following paragraphs.

#### PERIMETER SECURITY

4.2. Strong perimeter security of a prison is of vital importance. Good perimeter security permits scope for movement within the prisons and a degree of freedom of association among the prisoners. The prison staff also works with greater confidence if they know that the perimeter of the prison is well secure. They are, thus, able to devote their energies to a greater extent to activities and programmes connected with the treatment of prisoners.

4.3. The central and district jails have perimeter walls of height varying from 14 to 21 feet. The sub-jails at many of the places do not have perimeter walls and lack adequate security arrangements along the outer periphery of the jail premises.

4.4. We also noticed that in most of the district and central jails some area along the perimeter wall and outside it, though owned by the jails, is not 'out of bounds' for the general public. It has either been encroached upon by the public or there is unrestricted movement of the people. In most of the jails, normally, no guarding arrangements, either through patrolling or posting of sentries outside the

perimeter wall (except the main gate), are made. In the older jails some space has usually been left between the buildings or the enclosure walls of the wards and the perimeter wall. Guarding of this space within the jail along the entire length of the perimeter wall is being done mostly through convict officers due to inadequate strength of the warder staff. In some of the new jail buildings we were surprised to see that segregation walls of the wards had been extended right upto the outer perimeter wall, thereby leaving no space between the two. Such linking of the segregation walls of the wards with the outer perimeter walls is a serious security risk. Lighting arrangements along the perimeter wall in most of the jails are also unsatisfactory and the area both outside and inside the wall remains either in complete darkness or poorly lighted.

4.5. The following are our recommendations for improving the perimeter security of various prisons:-

- (i) Prisons of all categories, including the sub-jails, should have a secure perimeter wall. The height of this wall should not be less than 18 feet. In special or high security prisons it should be between 18 and 21 feet.
- (ii) There should be a well demarcated 'out of bounds' area along the perimeter wall and outside it. No encroachment or movement of unauthorised persons should be permitted. This area should be enclosed by barbed wire

fencing which should have only one gate in front of the main gate of the jail, but well removed from it. This gate should be called the 'outer gate' of the prison compound.

- (iii) A road should be made around the prison in the 'out of bounds' area so that when some high security prisoners are lodged in the jail patrolling by security personnel, either on foot or on vehicles, can be arranged.
- (iv) There should be adequate lighting arrangements in the space adjacent to the perimeter wall, both inside and outside. Lights should, however, be not fixed on poles near the wall or on the wall itself.
- (v) Guarding of the perimeter wall inside the jail should be done through warder staff and not convict officers. If sufficient number of warders is not available, their strength should be increased.
- (vi) For repairs on the perimeter wall, ladders, if necessary, should always be placed against the outside of the wall, and only after obtaining the orders of the jail superintendent. A ladder should normally be not allowed to be placed against the inside of the wall. Persons doing repairs and using ladders or ropes, wires, etc. should throughout be supervised by the jail staff.
- (vii) There should be no structure or trees within the jail premises within 10 feet of the perimeter

wall and 15 feet outside it. All such existing structures or trees should be removed.

#### WATCH TOWERS

4.6. Strategically placed watch towers along the perimeter wall of a prison can be most useful for security of the prison if they are manned by alert and efficient staff all the time and they are provided with some basic equipment and there is a strict adherence to the rules which should be followed for manning these towers. Watch towers along the perimeter wall have been provided only in a few of the jails in the various States and in some States no such towers have been built. We also noticed that the view from some of the towers had become restricted due to unchecked growth of trees or construction of double-storeyed buildings within the jail premises. One warder armed with a .410 musket is usually posted for duty on each tower and we were told that due to shortage of staff it was not possible to always man the perimeter watch towers. Since the warders in most of the places have not had firing practice for many years, they are unlikely to confidently and effectively make use of their muskets in the time of some emergency. At most of the places proper lighting arrangements through flood lights or revolving lights have not been provided at the watch towers. The system of locking of the watch tower, when a sentry is on duty on it, is also not free from risk.

4.7. The following are our recommendations for making use of the watch towers along the perimeter wall for the security of the prison in an effective manner:-

- (i) Watch towers should be built along the perimeter wall only when adequate staff is available for manning them all the 24 hours. Unmanned watch towers add to the problems of security. Supporters and associates of prisoners and unscrupulous members of the prison staff can use these towers to throw contraband or messages for the prisoners inside the jail.
- (ii) Watch towers should be manned only by intelligent, smart, alert and young men who have had good practice in handling the fire-arms issued to them.
- (iii) As far as possible, two armed men should be on duty on a watch tower in each shift so that if one of them becomes ineffective or gets immobilised due to some reason, the other sentry can continue to maintain guard.
- (iv) The entrance door to the tower should be locked from inside and the key kept by the man on duty in the tower. No person should be allowed entry into the tower by the towerman on duty unless he is absolutely sure of his identity and there is valid reason for his seeking an entry into the tower. This applies to the members of the prison staff also.

- (v) There should be communication arrangements through walkie-talkie between the towerman and the control room at the main gate of the prison.
- (vi) When a change in shift is to be made, the towerman on duty shall be notified by his superior officer of the identity of the relieving person.
- (vii) It shall be the duty of the towerman to maintain a constant watch in all directions, always being on the alert and observing everything that takes place near the tower. Any unusual activity on any of the two sides of the perimeter wall noticed by him should be promptly reported to the control room on the main gate.
- (viii) If an attempt to escape is reported by any tower the control room of the prison should alert the men on duty on all the towers.
- (ix) Registration number of vehicles, other details and time of passing close to any tower shall be recorded by the towerman and a report made without any delay to the control room of the prison.
- (x) Each tower should be equipped with search lights, a Very Light Pistol, binoculars and a torch.

- (xi) The towerman must exercise discretion in the use of emergency equipment like the search lights or Very Light Pistol and these should be used only when absolutely necessary.
- (xii) During the hours of darkness the towerman should challenge anybody approaching the tower from either side of the wall by flashing his torch on the approaching person or party. If the approaching person is a supervisory officer or other employee of the jail, the challenge should be answered by returning flash. If for any reason the challenge is not properly answered, the towerman should report to the control room.
- (xiii) The towerman should be specially careful in handling the musket issued to him and it should never be placed in such a position from where it can be knocked out or dropped off.
- (xiv) The men assigned to tower duty must carry their food and drinking water with them as it may not be possible to supply these from outside when they are on duty in the tower.
- (xv) Sleeping, cooking, reading, listening to the radio, writing other than essential reports or doing anything that might distract the attention of the towerman from his duty should

be strictly prohibited. For any such neglect of duty, disciplinary action should be taken against him.

(xvi) If any towerman wants to be relieved from duty because of sickness or some other reason, he should immediately contact the control room and request for relief. At no time he will leave his post without his having been properly relieved.

(xvii) The watch tower should be so designed as to provide maximum possible view and give protection from heavy rain and strong winds to the towerman. Besides roof on the top shutters with transparent material like fibreglass may be provided on the sheds.

#### CENTRAL CONTROL TOWER OR OBSERVATION TOWER

4.8. Some of the bigger jails in a few States have Observation Towers (also called as Control Towers) at some central places inside the jail. This observation tower is very useful as from there almost all parts of the jail within the perimeter wall are visible and all activities in different open areas of the jail can be seen. At some places we, however, noticed that due security precautions were not being taken in Central Observation Towers. The entrance door to the tower is kept open all the time and there is frequent up and down movement. In some places the ground floor portion of the tower is being



used as an office, library or kitchen. This, too, is against security. The entrance door to the observation tower should be kept closed in the same manner as that for a watch tower on the perimeter and accessibility to it should be limited only to a person who has a valid reason for seeking the entry. In keeping with the general practice that no fire-arm should be taken inside a jail, except when there is some emergency, the men on duty in the central observation tower should be unarmed. Only in special security prisons or in jails where high security prisoners are lodged in addition to other prisoners armed men can be posted in the central observation tower. Most of the recommendations made by us for the perimeter watch towers will apply to the central observation tower. We also make the following recommendations in relation to these towers:-

- (i) There should always be at least two men on duty in each shift in the tower.
- (ii) Adequate number of powerful flood-lights and revolving lights should be fixed on this tower so that the entire jail area can be well illuminated and observed from it during the night.
- (iii) An effective communication system should be fixed in this tower.

- (iv) There should be effective communication link between the tower and the control room or the main gate of the jail through walkie-talkie as well as intercom. The tower should also have communication links with various wards including those which have hospital, workshops, etc.
- (v) Central observation towers should be built in all central jails, district jails, special security prisons and maximum security prisons.
- (vi) The trees in the compound of the jail should not be allowed to grow very high, and, if necessary, they should be pruned to allow unrestricted view from the central observation tower.

#### MAIN GATE

4.9. The Main Gate is the most important and sensitive part of the jail. In central and district jails, the Main Gate has usually two gates, viz. the outer gate and the inner gate, each of which has a smaller wicket gate. In many of the jails the outer gate has only steel frame with iron bars. It is not covered with iron sheet as to obstruct the view from outside. Thus, all activity going on in the main gate area, i.e. the space between the two gates, can be seen from outside. There is also the risk of a possible attack from outside with fire-arms

on the jail staff or other personnel, including the prisoners present in the main gate area. While a solitary armed sentry is posted outside the main gate, his position is often away from the main entry point, He is also not provided cover by any armed guard, in many jails and so there is always the possibility of his being overpowered. In most of the jails the administrative blocks and the interview rooms are located on the two sides of the main gate area and throughout the day it has considerable activity. There is a lot of movement of the staff in this area and also of the prisoners who are taken out of the jail and are brought back or are newly admitted. Searches of the prisoners and in some jails of the lower staff members are done in this area. Articles brought for the prisoners by their relations and friends are kept in this area and are searched and checked there. The vehicles entering and going out of the prison are also required to be searched in this area. Various registers for making entries relating to ingress and egress of staff members, prisoners and other persons, vehicles, etc. are kept in this area. In most of the jails, the key chest and the general telephone are kept in the main gate area. Thus, throughout the day and in jails where there are a large number of undertrials, till late hours in the evening, there is a lot of activity, movement and crowding in the main gate area and the two gates or their wicket gates have to be frequently opened and closed.

During our visits to the jails we were surprised to see that the staff provided for duties in this highly sensitive part of the jail is very inadequate and of quite a low level. In most of the jails a warder works as the gate man and he performs all the duties in this key area single-handedly. In some of the bigger jails two persons from the warder staff are posted during day time in the main gate area. They are responsible for counting, checking and searches of all prisoners who pass through the main gate and searches of other personnel, including the junior members of the staff, who come for duty in the jail and who go out after completing their work. They also attend to the telephone calls and are responsible for security of all the keys, opening and losing of the gate and other miscellaneous duties which arise from time to time in the main gate area. It is obvious that such a small staff can hardly do all these duties in a thorough manner. Our impression is that searches of vehicles and the prisoners and checking of the articles which are brought for them are generally done by the main gate staff in a casual and superficial manner. Due to heavy work they do not often take all the security precautions, as laid down in the jail manuals, for opening and closing the two gates or for custody of the keys. Many escapes have taken place from the jails because of non-compliance of the rules and regulations and non-adherence to security instructions, either due to over work or negligence or connivance by the main gate staff.

4.10. The following are our recommendations for the security of the main gate:-

- (i) All instructions in the jail manuals should be strictly followed.
- (ii) Both the gates, including the outer gate, should be fully covered by steel sheets. It should normally be not possible for people standing outside the main gate to see the activities going on in the area between the two gates. Peep windows and wicket gates should be provided in the both gates.
- (iii) There should be as little activity in the main gate area (i.e. in the space between the two gates) as possible. Separate rooms should be provided for searches of the prisoners, staff members and various other articles.
- (iv) No crowding should be permitted in the main gate area. Prisoners who have to be taken out for appearance in courts or for some other purpose should not be made to collect and wait in large numbers in the main gate area. There should be a separate shed or room for this purpose, near the gate, and inside the jail. Adequate security staff to keep watch over the prisoners in this shed/room should be provided.

- (v) Convict officers should not be allowed to come for any work in the main gate area.
- (vi) The main gate area should be well lighted. Emergency lights should be provided for use in the event of power failure.
- (vii) If there is no control room in the jail then the switch of the jail alarm system should be in the main gate area and the gate keeper should check every morning and evening that the switch is in working order.
- (viii) The gate keeper in a district or central jails should be of the rank of at least Head Warder. The main gate area should be under the supervision of an officer of the rank of Deputy Jailor or Assistant Jailor. He should be on duty all the 24 hours in eight-hourly shifts. In Special Security prisons the supervisory officer for the main gate area should be of the rank of Deputy Superintendent.
- (ix) Outside professional men like mechanics, plumbers, technicians or anyone carrying tools/instruments should not be permitted to enter the main gate and the prison unless permitted by the jail superintendent and accompanied by a jail official. A list of tools will be made at the time of the entry. When the party leaves the jail, the tools will be checked with the list.

- (x) No one wearing a mask or sun glasses should be permitted to enter or leave the main gate without removing them, unless the staff is fully satisfied about his identity.
- (xi) No person under the influence of liquor should be allowed to pass through the main gate.
- (xii) No reading material, radio, T.V. or anything which may serve to take off the attention of the gate staff from its duties should be permitted in the main gate area.
- (xiii) The strength of the warder staff at a time in the main gate area should be at least three, including the gate keeper. In Special Security prisons more staff will be required.
- (xiv) The strength of the armed guard outside the main gate should be augmented and the armed sentry should be properly located so as to prevent attacks or storming of the gates. In Special Security prisons there should be an armed guard of a para military force or police armed battalion at the main gate.
- (xv) The entry to the prison should be only through a single point, that is the main gate, and all other entry points, if existing, should be closed permanently.

- (xvi) In Special Security prisons and central and district jails metal detectors and other sophisticated gadgets for searches should be provided in the main gate area.
- (xvii) There should be an enquiry office outside the jail near the main gate and separate warder staff posted there.

#### LIGHTING ARRANGEMENTS

4.11. Proper lighting of all parts of the jail is very important from the point of view of security. Almost all the jails and sub-jails in the various States have now been electrified but the lighting arrangements in most of them are not satisfactory in following respects:

- (a) The number of light points fixed in the various portions of the jail like barracks/wards, open spaces and in the area near the perimeter wall are inadequate. Many portions of the jail, thus, remain in darkness or have inadequate lighting.
- (b) There are no satisfactory arrangements for repairs of electrical fittings. The jail authorities have to depend entirely on the state P.W.D., who take long even to remove minor defects.
- (c) Due to voltage fluctuation, the bulbs get fused frequently and they cannot be replaced quickly as the financial powers of the jail superintendent are very limited.
- (d) The power supply at most of the places is very erratic and sometimes it goes off for many hours and frequently.



4.12. The following recommendations are made to improve the lighting arrangements in various jails:-

- (i) The light points in the barracks, wards and cells should be increased and bulbs of higher power fixed in them.
- (ii) Open spaces and areas on the two sides of the perimeter walls should be well lighted with flood lights.
- (iii) Each central or district prison should have a separate power feeder.
- (iv) There should be a stand by generator in each prison.
- (v) In the interest of security there should not be any restriction on purchases of bulbs or any other electrical item for minor repairs of the existing fittings by the Jail Superintendent.
- (vi) There should be a qualified electrician in each jail.
- (vii) Emergency lighting equipment should be provided to all the jails.
- (viii) The members of the jail staff who remain on duty during night should be provided with torches.

#### SECURITY OF WARDS

4.13. A ward usually comprises the following:-

- (i) A building block consisting of one or more barracks/dormitories, each with a capacity of 50 to 100 prisoners. In some wards the cell blocks are located.

- \* \* \*
- (ii) A block of lavatories/bathrooms located slightly away from the building block.
  - (iii) Some open space, usually known as the yard, around the building block.
  - (iv) A segregation wall, usually about 8 feet high, surrounding the entire yard. This wall has normally one gate of steel grating.

4.14. The total capacity of prisoners in the wards which have barracks/dormitories varies from 100 to 300 prisoners. Usually, one warder is placed in charge of each ward and he is helped by one or two convict officers. In most of the jails, the warders in charge of the wards work in 8-hourly shifts, during day time, and during the night the personnel of each shift are changed every 3 hours. The responsibilities and duties of the warder in charge of a ward include the safety and security of the prisoners, their counting, searches, locking and unlocking of the barracks/cells. He is also responsible for the welfare of the prisoners in the ward and for their discipline. Thus, the duties of a warder in charge of a ward are quite heavy, difficult and sensitive. He is the main prison official who comes in maximum direct contact with the prisoners and the security, discipline and control over the prisoners depend primarily on his efficiency, alertness, work attitude and behaviour. On the basis of our visits to the jails in different States and study of the reports of important cases of escapes we feel that:-

- (a) the warder staff assigned for duty in the wards is usually very slack;
- (b) the supervision over these warders is generally casual and superficial;

- (c) the warders on duty in the wards often pass on their responsibilities to the convict officers who are attached with them; at some places even the keys of wards and of the gates of the yards are left with the convict officers;
- (d) the warders make no efforts, either due to lack of training or orientation or interest, to know and understand the prisoners individually;
- (e) the daily searches of the prisoners, at the time of unlocking or lock-up and of the barracks and cells in which the prisoners live are done in a superficial and casual manner.

4.15. We have examined elsewhere the issues relating to training, orientation and improvement of calibre of the warders but, in our view, it is wrong to expect one warder alone to manage all matters relating to custody, security control, welfare, etc. of a batch of 100 or more prisoners lodged in a ward. We are strongly of the view that at least two warders should be assigned for duty in each ward, in every shift, and if the number of prisoners in a ward is more than 100, then an extra-hand (either a warder or a head warder) should be provided, in each shift, for every 50 additional prisoners. There is also need for more frequent visits by middle level executive officers to the wards to supervise and guide the work of warders and also for personal participation in it.

- (i) For better security and control the prisoners instead of being kept together in big groups in large barracks in a ward should be segregated into smaller groups. The existing barracks in each ward should be divided by raising partition walls into smaller rooms, each to accommodate 10 to 12 prisoners. Each room should have toilet and bathing facilities with flush system. Searches of prisoners and their living premises can be done thoroughly and effectively only if they are segregated into small groups and made to live in rooms which are not big.
- (ii) For every group of 100 prisoners in a ward at least two warders should be on duty, at a time, in each shift. An extra hand should be provided, in each shift, for every additional 50 prisoners.
- (iii) The warders should be briefed and trained so that their main endeavour should be to know each prisoner as thoroughly as possible. They should report to their superiors each and every bit of new information which comes to their knowledge not only about the current activities of a prisoner but also about his earlier life, social background, profession, personal interests, etc. Personal and detailed knowledge about each prisoner will help a lot in assessing the safety, security and control requirements for him and in devising correctional and reformative programme for him.

- (iv) A list of prisoners in each barrack should be maintained in each ward. Besides counting, daily roll call should also be held and there should be a system of physical verification of inmates through proper identification.
- (v) The warder staff should do daily and thorough checking of grills, grating, doors and locks. At the same time, one or two special teams, each under an Assistant Jailor, should be detailed for this purpose by the Jail Superintendent every day.
- (vi) The warder staff should remain alert and watchful about signs of any unusual activity or change in behaviour on the part of prisoners, either individually or by groups of them. Avoidance to take food, sudden quietness on the arrival of a jail official, refusal to go for work, etc. are all significant signals and they should be recorded and reported by the warder staff.
- (vii) Even minor incidents of indiscipline by prisoners or of quarrels among them or of threats to the staff, though sorted out by persuasion and intervention of the staff, should be noted and reported to the senior officers.
- (viii) Behaviour towards the prisoners should be of politeness, human sympathetic but firm. It should, at the same time, be made clear to them that all incidents of violation of rules and regulations by them will be strictly dealt with.

(ix) Warders and head warders posted in a ward should perform all their duties personally. Convict officers can be used to assist them in some of these duties. Convict officers under no circumstances should be made to perform any of these duties independently and on their own. Convict officers should also not be assigned duties connected with safety, security and supervision of the prisoners. No assignment or operation in the prison should ever be put under the direct charge or in the hands of a prisoner or group of them, including the convict officers.

(x) In each ward a ward diary will be kept in which the warden incharge will record all incidents and also the results of roll calls, verification, etc. Handing over and taking over of the charge of the ward will also be entered in this diary.

#### ARMS AND AMMUNITION

4.17. In a central or a district jail the fire-arms and ammunition are kept in a special room which is also called armoury in some States. Most of the jails have been provided .410 muskets. A few revolvers have also been issued to some jails. In the States which are affected by terrorist activity some .303 rifles have also been issued to the jails. We noticed that racks had been provided for keeping the muskets, but they were not being kept locked even though arrangements for the same were available.

At most of the places the maintenance of the fire-arms was unsatisfactory and we found them in quite a dirty state. The general complaint of the jail officials was that .410 musket was an obsolete and ineffective weapon and the supply of its ammunition had almost stopped and so it could hardly be of any use to the jail staff. The .410 ammunition, at present, available in the jails is of very old vintage. Almost everywhere there was a demand for replacement of the .410 muskets by .303 rifles. The most surprising part was that in most of the States a major percentage of jail officials, specially warders and head warders, had never done any firing with the .410 muskets, but they had been performing sentry duties armed with them. There has been so much loss of faith in the efficiency and utility of .410 musket that the jail superintendents have generally not taken any action to organise periodical firing practice by the staff. At some places it was mentioned that the police firing range, where jail officials were supposed to do their annual firing practice, was not being made available to them. This problem, we felt, could have been easily sorted out if the jail superintendent had maintained liaison with district superintendent of police. The number of jail officials doing annual firing practice at a time would not be very large and it should normally be not difficult for the local police to help in the matter. The Government of India should take some steps to ensure regular supply of .410 ammunition to the jail departments in the States so long as the muskets of this bore continue to be

issued to them. In many of the States the police also holds a good number of .410 muskets. The concerned ordnance factories may be asked to specially manufacture this ammunition, from time to time, to meet the needs of the jails and the police.

4.18. We agree with the suggestion that since .410 muskets has become an obsolete weapon, it should be replaced by a more suitable and modern weapon for which ammunition may be available in adequate quantities. In normal conditions the jail staff may be required to use a fire-arm in any of the following situations:-

- (i) in the event of serious disturbance and violence in the jail;
- (ii) in the event of an escape when the concerned prisoners are seen escaping;
- (iii) to counteract any external armed attack.

In the first two situations the use of firearms by the jail staff should, as far as possible, be for the purpose of deterrance and to immobilise the prisoners who indulge in serious violence or who are trying to escape. We recommend that the following type of fire-arms may be issued to the jails:-



I. For use inside the jail

(1) Riot-Gun

This has been developed by the BSF. It is a modified version of .303 rifle. It has a shorter barrel than the normal .303 rifle. It uses plastic pellets which have been developed by the BSF. The range is 48 to 50 yds. The plastic pellet normally immobilises a person unless he is hit in some vital part.

(2) Stun Grenade

or

Stun Shells  
(a type of  
teargas shell)

Fired by a gas gun; produces high sound and flash; will immobilise persons; has a deterrent effect.

II. For use outside the jail

(1) 7.62 mm S.L.R.

(Self Loading Rifle)

- i) .410 muskets should be replaced by SLRs and not .303 rifles.
- ii) .303 rifle is a bolt action weapon and so some time is lost between two consecutive shots, thereby giving advantage to an escaping prisoner. No such loss of time with an S.L.R. rifle as it is semi-automatic. At the same time, the round is fired at a time.
- iii) Most of the Central Police Organisations and some armed battalions are using S.L.R. rifles.
- iv) Army is now discarding them and so these rifles should be available in good numbers.

- v) Repair facility for .303 rifles is now not adequate and spare components are not available. SLR can be repaired easily.
- vi) Ammunition is easily available.
- vii) This weapon can be given to the sentry outside the jail and to armed men on duty in the towers or the perimeter.

(2) Carbine (9 mm 1A)

- i) Effective range 50 yds; automatic weapon; 29 rounds in the magazine;
- ii) In special security prison this weapon can be issued to one or two members of the armed guard.

4.19. The above suggestions have been made by us as an ad-hoc measure. We would, at the same time, recommend that a research project should be undertaken by the Central Government for selecting suitable fire-arms for issue to various types of prisons for their normal security and for dealing with special security situations.

4.20. It was also represented to us by the officers of some jails that some of them had often been receiving threats from supporters and associates of dangerous prisoners lodged in their jails. Their families were also getting such threats. These officers wanted that the Government should issue revolvers to them for personal safety who were receiving the threats. It was also stated that they would not take these weapons inside the jails

but would carry them when they visit places outside the jails either for official or personal work. Carrying of revolvers on their person by jail officials will, no doubt, give them confidence, but there will always be the risk of the weapons being seized from them through surprise attacks. Such incidents are not uncommon. In balance, we feel that where the jail officials have been constantly receiving threats from the supporters of dangerous/influential prisoners it would be advisable to issue them revolvers provided they have had good training in handling them and they do firing practice periodically. It should also be ensured that the concerned jail officials would be in a position to make adequate arrangements for the security of revolvers issued to them. The revolvers should, however, be not issued to jail officials below the rank of assistant superintendent of jail.

4.21. We also noticed in some of the States that the fire-arms issued to the jails were not being maintained properly. Most of them were in quite a dirty state and no action for their oiling and cleaning was taken. Some States have regular armourers who visit the various jails for periodical cleaning and oiling of fire-arms. Other States should make similar arrangements. Even if the fire-arms available at present are obsolete these should be maintained properly.

4.22. The following are our recommendations:-

- (i) Greater interest should be taken by the staff in the jails to maintain properly the fire-arms issued to them.

- (ii) Although the .410 muskets which have been supplied to the jails have become obsolete, best possible use should be made of them as long as a better weapon is not available.
- (iii) Regular firing practice by the jail staff should be done with the muskets and other fire-arms provided to them.
- (iv) The Government of India should take steps to arrange supply of ammunition of these muskets to the jail department in adequate quantities.
- (v) A suitable fire-arm, which is not lethal, yet has a good range and is capable of immobilising the victim should be found for the jail department.
- (vi) .410 muskets should be replaced by 7.62 mm SLRs. In normal times there will be for use mostly outside the jails. For use inside the jails riot guns, which use plastic pellets, and stun grenades, which are fired by gas gun, should be issued. In special security prisons, carbines (.9 mm 1A) may be issued to one or two members of the armed guard posted at the jail.
- (vii) Some revolvers may be supplied to those jails where the jail officials have been receiving threats from supporters of dangerous and influential prisoners. These can be issued to the jail officials for their personal safety after they have been given adequate

training in handling and firing of revolvers and concerned officials are capable of ensuring their security. These jail officials should not take the revolvers inside the jail except in situations of serious emergency and that, too, after obtaining permission from the jail superintendent.

- (viii) The locations of quarter guard and armed sentry should be such that these are not only close to the main gate but also sufficiently near to the armoury so that the guard can also keep proper vigil over the armoury.
- (ix) Regular standing orders for the security of arms and ammunition, including their locking in racks as exist for police armouries and quarter guards should be drawn up and kept for guidance and compliance. Necessary racks, chains, locks, etc. should be provided.
- (x) If in any situation arms and ammunition are to be taken to some place inside the jail then they should be carried by different persons moving at a distance from each other so as to reduce the possibility of both articles being seized from the carriers after a surprise attack.

#### SEARCHES

4.23. The importance of searches in the security scheme of a prison cannot be over emphasised. The purpose of searches is to prevent smuggling of contraband such as

weapons, messages, drugs, intoxicants, money, implements which can be used for escape etc. into the prison; to detect manufacture of some contraband articles within the prison; to discourage petty thefts in the prison, and to enforce prison security rules. Searches of prisoners and the visitors who come to meet them are absolutely essential. Sometimes, it may be necessary to search even some of the jail officials in view of the increasing complaints of malpractices and corruption against them. Laxity in these searches will jeopardise the security of a prison.

According to the prison regulations all inmates, articles and vehicles passing through the main gate are required to be regularly checked at the time of entry and exit by the jail guards between the double gates. The regulations lay down systems of daily/surprise searches and checks of barracks, cells, workshops, factories and other parts of jail premises. The prisoners are required to be thoroughly searched before they are locked up in the wards/cells. The jail staff is also allotted different wards/yards for surprise and random checks. During our visits to the prisons in various States we got the impression that searches, which are so vital for the security of a prison, are generally being done in a casual, superficial and routine manner. The following are the main reasons for this:-

- (i) Non-availability of staff for searches.
- (ii) Lack of training in proper technique of searches.

- (iii) General complacency and lack of realisation by the staff about the importance of searches.
- (iv) Use of convict officers for searches.
- (v) Non-availability of executive jail officers to supervise the searches or lack of interest on the part of such officers.
- (vi) Intimidation of the search staff by some of the prisoners or corruption among the staff.

4.23. Riots in the prisons and escapes take place mostly because of the failure of the staff in doing the searches of the prisoners and of the places where they are lodged, in an effective, patient and thorough manner.

4.24. The following are our recommendations for doing searches in the prisons in a proper and effective manner:

- (i) The jail officials should have knowledge of all the articles which can be kept by the prisoners or allowed to be brought in for them. All other articles should be treated as contraband as far as possession by prisoners is concerned. An illustrative list of contraband items for the knowledge of the staff should be prepared and revised from time to time. However, no such list can be complete.
- (ii) The jail staff should have knowledge of most of the likely or unlikely places of concealment of contraband in cells, barracks, lavatories, workshops etc. A list of such places should be got prepared by the jail superintendent after doing thorough survey of all parts of the jails. Such a list can, however, be not complete.

- (iii) At the time of starting the searches of a barrack or a cell all prisoners should be brought out of the barrack/cell and subjected to thorough body search. They should be made to stand outside the cell/barrack and an eye kept on them to see that nothing is passed on from one prisoner to another while search is going on in the barrack/cell.
- (iv) It should be remembered while making searches that even the most obvious things are not overlooked. There should never be an impression that since an article or an object is right in front of you (like a calendar or picture) it might be having nothing hidden behind it. Things like clothes, blankets, bedsheets and even pages of books can be used for concealment.
- (v) While doing the searches the staff should proceed in an intelligent and systematic manner. Each article can be examined and searched thoroughly without turning everything upside down. Personal articles of the prisoner should be handled with care.
- (vi) In searching an individual a lot of care is to be exercised. It should be ensured that the searcher is not in a vulnerable position vis-a-vis the person being searched. Those who are waiting to be searched should be made to stand at sufficient distance from each other to prevent contraband being passed. Contraband can be concealed on the person or in the clothes put



on by him or within the body of the person. Often contraband is concealed between the legs, in shoes (heels and soles), hems of trousers, around the waist or under the arms.

- (vii) When a large group of persons are to be searched they should be ordered to line up and present themselves one at a time with their arms extended and their backs towards the searcher. After a man has been searched he must be made to stand at a distance from those who are still to be searched. After all the persons in the line have been searched the area where they were standing should be looked over as some article which was concealed by a person might have been dropped or thrown away.
- (viii) When packets, bundles, boxes, etc. are being searched it should be remembered that the container as well as contents need to be examined. Contraband may be concealed within liquids and bulk materials like milk, ghee, flour, paint etc. can be used for concealment of articles.
- (ix) When checking vehicles, the entire vehicle should be searched thoroughly. A person may conceal himself in a vehicle or a dangerous contraband may be concealed in some very small

place in it. The underside of the vehicle and the engine compartment should also be searched as they offer the possibility of concealment. A systematic approach is required so that nothing is missed. The searcher should start at one end and work towards the other and not allow himself to be distracted away. Especially designed mirrors can be useful for search of underside of a vehicle.

- (x) While searching living quarters (cells and dormitories), the staff should check walls with cracks where contraband can be concealed, lighting fixtures, ventilating shafts, night toilets, clothes hanging or stacked together, bedsheets, pillows, blankets, books, magazines, newspapers etc. Medicine bottles should also be checked. Window bars, window frames and overhead ventilators should be thoroughly examined.
- (xi) While routine searches are absolutely necessary for safety and security the jail staff should not fall into the habit of searching cells, dormitories or work places at regular intervals or timings. This would allow the prisoners to observe the pattern of searching and to conceal smuggled articles from one place to another and

back again. Frequent irregular and surprise searches are essential. The same staff should not be used for searches of a set of prisoners or buildings again and again.

- (xii) While random and surprise searches are essential it is not necessary to completely 'tear up' an area. An article belonging to a prisoner should be returned to its original position after it has been examined. The personal property which a prisoner is allowed to keep in his possession under the rules is of special value to him. These items should not be thrown about by the searching staff. Such action by the staff will only cause friction and resentment among the prisoners and will encourage indiscipline.
- (xiii) The technique and method in doing the searches should be such that the prisoners may come to realise that only those who possess contraband or are planning escapes or are trouble makers have a reason to fear from searches.
- (xiv) All officials of each rank in the jail should be made to understand the importance of searches in prison security and should be thoroughly briefed and trained in their technique.
- (xv) Sophisticated gadgets to help in searches like metal detectors and explosive detectors should be provided to the prisons.

## SECURITY AND CONTROL OF TOOLS

4.25. Tools and Various other implements are required to be used by the prisoners assigned for various tasks, not only in workshops and factories, but also in gardens, repair assignments, chopping of firewood, etc. Many tools and implements are of common use but in a prison they all acquire a special significance. Some of them can be of serious threat to security of the prison. Even a common tool like a screw driver or a wrench can be used in an escape attempt. It is, therefore, essential that all members of the jail staff should regard tools not just as a normal complement of every work assignment for the prisoners but also a potential weapon against the safety and security of the institution, individual jail officials and the prisoners. Hence, control and supervision of all tools and other allied implements is of vital importance from the point of view of security of a prison. All jail officials irrespective of their ranks should exercise extreme vigilance and care in this connection. The following steps are recommended:-

- (i) A central inventory of all the tools and implements in the prison should be made. The preparation of the inventory should be supervised by an officer of the rank of Deputy Superintendent of jails.
- (ii) The officer in charge of each work unit should keep a separate inventory of the tools issued to him and under his charge.
- (iii) There should be an annual review and check of the central tool inventory for each prison. In addition, there should be verification and check of the tool count at least twice every month.

- (iv) A bi-weekly report should be sent by the officer in charge of each work assignment unit to the officer under whose control the central inventory of tools is kept.
- (v) Although every tool given to work assignment unit (factory/workshop) must be controlled and accounted for, some tools are more dangerous than others. Such tools include welding torches, hack-saws, pipe-cutters, bolt-cutters, etc. Tools of this type should be allowed to be used under maximum watch.
- (vi) Precautions must be observed not only with workable tools but with broken ones as well. For example, if a saw blade breaks, then all its pieces must be collected, since one or two broken pieces of the blade could be used to cut a steel bar.
- (vii) All tools must have code mark of the work assignment unit (workshop, factory etc.) stamped on them.
- (viii) A list of the tools and implements maintained by each assignment unit should accurately describe details like the kind, type and size.
- (ix) Whenever a tool is issued to anyone, the officer in-charge should secure a signed receipt from the person drawing the tool.

#### CUSTODY OF LADDERS

4.26. For obvious reasons ladders should be kept under strict supervision in every jail. Smaller ladders under five feet in height should be kept securely chained to a post or column so that they cannot be moved or carried away easily. Longer ladders should not be kept at any place enclosed by the outer perimeter wall of the jail. They should be kept in

some store room in the administrative block. When the ladder is to be taken to any point of work within the prison it should constantly be under the observation and watch of a jail official. This official should give a written receipt for the ladder at the time it is issued to him and also indicate in writing the route in the jail through which it is to be taken to the place of work. After the work is over he will bring back the ladder to the place of storage and ensure that it is kept in secure custody and he will also report in writing to the officer who had issued the ladder to him.

#### FACTORIES AND WORKSHOPS

4.27. During our visits to the jails we found that in the factories and workshops of the prisons arrangements for security were not adequate. One warder is usually made responsible for the security and control of the gang of prisoners working in a factory or workshop. In factories and workshops the prisoners usually have to use a number of tools and implements. We found that these tools and implements were being kept either in the open in one corner of the factory/workshop or in the so-called tool box, but it appeared that no systematic method for keeping count of these articles was being followed. Although we were told that every member of a gang of prisoners when brought to the workshop or a factory was thoroughly searched and the same action was taken every time he left the place we were not convinced about this as thorough search of all the prisoners in a gang after their work in the factory or workshop by a single warder would take considerable time. The workshops/factories are usually closed in the afternoon and the prisoners are in a hurry to return to their barracks for their evening tea, wash, etc. and it is

\* \* \*

unlikely that each of them would be subjected to thorough search at that time by a single warder.

4.28. The following are our recommendations:

- (i) Maintenance of discipline and taking of all security precautions is extremely essential in the factory or workshop of a prison. Prisoners working at these places should be constantly kept under watch not only by the warder staff, but also by the technical hands meant to give guidance and training to the prisoners.
- (ii) A very strict check/scrutiny and accounting of all the tools and implements which are used in the workshop by the prisoners is essential. A separate room or cubicle should be made in the factory/workshop for keeping tools. It should always be kept locked. Accurate record of the tools which are issued to the prisoners must be kept and when they finish their work, the tools should be checked and returned to the tool room every day. Under no circumstances should anyone except the man in charge of the tool room or senior officials be permitted to enter it.
- (iii) In the tool room the tools should be kept on a 'shadow board' - a board or section of the wall on which the outline of the tool is painted in the position that it rests and in a contrasting colour to the background. With such an arrangement it is possible to see at a glance whether any tool is missing from its usual place. The 'shadow board', however, is no substitute for alertness and carefulness by the staff in checking the tools

but does provide a quick method of detecting and identifying the missing tools.

- (iv) At no time any rod, wire or ladder should be left under the charge of any prisoner. If and when any of these articles is required for any assignment it will be taken by a member of the jail staff to the place of assignment and will remain throughout under his charge. The prisoners will make use of it under his observation and supervision. These articles will be brought back by the staff members to the place where they are to be kept.
- (v) Inflammable articles required for use in any workshop/factory should never be permitted to be carried or given to the charge of a prisoner unless he is working directly under the supervision and observation of a member of the jail staff.
- (vi) In searching of the workshops/factories or other places or work assignment the same procedure will be followed as that in case of living quarters of prisoners.
- (vii) Lockers, tool chests, pipes, bolts and tools, tables, inside of chairs and stools, in short, any place where tools or any other contraband can be hidden should be thoroughly searched.
- (viii) The prisoners should be searched very thoroughly upon entering and leaving the factory/workshop or any other place or work.



- (ix) Since constant and thorough supervision and watch over prisoners is required when they are put on some assignment in a factory/workshop or some other place, the strength of the warder staff detailed for duty at each place should be adequate. At least two warders/head warders should be constantly on duty with each gang of prisoners detailed for an assignment. Convict officers should never be used for control, supervision and watch in factories/workshops.
- (x) The industrial/workshop blocks or yards should be located sufficiently away from the residential blocks so that there is no possibility of clandestine transfer of tools from the former to the latter.

#### MOVEMENT INSIDE THE PRISON

4.29. The prisoners have to be often moved from their wards to other places in the prison like the industrial wards/workshops for work assignments, to hospital for treatment, to the main gate for interviews or for being taken to courts or to work in the jail farm. We were informed by the prison officials in various States that no gang of prisoners could be moved from any place to another inside the prison or from the main gate to the jail farm without being put under the charge of a warder who is usually assisted by a convict officer. It was stated that individual prisoners within the jail premises were usually escorted by convict officers. In some jails we noticed that prisoners were

moving about freely without any escort. We were told that individual prisoners who wanted to go to the hospital for treatment were allowed to visit the hospital unescorted. The claim that gangs of prisoners were escorted by warders did not appear to be correct. In many jails the gangs for work are taken from one part of the prison to another under the control and supervision of convict officers. Thus, our overall impression was that during movements of prisoners from one place to another in the jails adequate security precautions were not being taken and there was over dependence on convict officers. The convict officers were being given independent control of gangs of prisoners.

4.30. The following are our recommendations:-

- (i) No prisoner should be allowed to move from his ward or cell to any other part of the prison unless he is escorted by a prison official.
- (ii) Convict officers should never be given independent charge of security/control of any group of prisoners or individual prisoner. They should be used only to assist the jail officials.
- (iii) When a group of prisoners has to move from one part of the prison to another, they should be asked to move in a line. The jail official escorting the line should be on one side of it and maintain the position so that about two-thirds of the line is ahead of him. In this position the jail official can readily see the majority of the members of the line ahead of him and by turning his head occasionally can observe the remainder. If necessary, the prisoners can

be made to move in two lines parallel to each other.

- (iv) The jail officials must ensure that the prisoners moving in the line remain quiet and orderly. Talking or smoking in the line should be prohibited.
- (v) If the number of prisoners in a line is large, it might be a problem for the jail official to maintain discipline among them. In every group of prisoners there are a few non-conformists, who persist in violating the rules. Sometimes, halting the line and verbally reprimanding the offenders may be effective as many of them are petty violators or 'show-offs'. They think that they are capable of doing something which other prisoners are afraid to do or are not clever enough to do. When reprimanded the loss of face may hurt them and they may become quiet. Sometimes, it may be advisable to talk to the prisoner privately and try to enlist his cooperation. With some prisoners persuasion works better than threats.
- (vi) When an individual prisoner is being escorted, the jail official should be at about an arm's length behind and slightly to one side. This puts the official out of range of sudden attack by the prisoner and he is in a position to act quickly if there is need to do so.

## HOSPITALS

4.31. The central jails and most of the district jails in various States have hospitals located within the jail premises. In each jail there is a separate ward for the hospital. The hospital is managed by a medical officer, who is usually from the State medical service. Normally, the medical officers posted in the prison hospitals do not have background of the prison rules and regulations and the requirements of discipline and safe custody. The responsibility for maintenance of order and discipline in the prison hospitals is that of the medical officer. He is provided some custodial staff (warders/head warders) by the jail superintendent for safe custody and security of the prisoners. In a number of jails we got the impression that adequate liaison and coordination between the executive officers of the jail and the medical officers working in the jail hospitals was lacking. The general feeling among the executive officers was that the medical officers did not normally appreciate the problems of discipline and security and were inclined to liberally recommend special diet to the prisoners or taking them to the hospitals outside the prisons for specialist treatment. At some places it was even hinted that the medical officers did this in consideration of some gratification from influential or well-to-do prisoners or their supporters.

4.32. During our visits to the jails we found that like other buildings, those of the hospital wards were in equally bad state. Conditions of sanitation and cleanliness in the

hospitals of a number of jails were found poor. In some jails we were told that the roofs of the hospital wards leaked a lot during the rains but no action had been taken to repair them either because of lack of funds of the buildings, being too old, were beyond repairs. The hospital kitchens, where food for patients was cooked separately, were in a number of jails found in a dirty state. They did not seem to have been white-washed and painted for years and no wire gauge shutters had been provided on the kitchen doors and windows to prevent flies. Such bad living conditions in the jail hospitals are bound to create dissatisfaction and resentment among the prisoners.

4.33. In most of the jails the prisoners who need medical consultation are taken from the various wards, cells to the jail hospital for examination and check by the medical officers. Those prisoners who require hospitalisation are admitted in the hospital and others are sent back to their wards after prescribing necessary treatment. All this involves considerable movement of prisoners between the wards and the hospital everyday.

4.34. The medical officer of the jail hospital also attends to all members of the prison staff and their families. In a number of jails rooms outside the prisons have been earmarked where jail medical officers come for fixed hours and attend to the members of the staff families and those staff personnel who are not on duty. Medicines are also distributed in these consultation rooms. We are, however,

surprised to know that in the jails of some States, the family members of the staff and the jail officials, not on duty, were permitted to enter the jails almost throughout the day to go to the hospital ward for consultation with the medical officer. In one State we were told that these persons were not even required to make any entry in the register maintained in the main gate. This was indeed against all norms of security.

4.35. A number of smaller district jails and the various sub-jails do not have hospitals/dispensaries and the sick prisoners have to be taken by the jail staff to the local government hospital/dispensary. Since police escort is usually not available, these prisoners are escorted by warders. As no vehicles have been provided to these jails the prisoners are taken to the hospital/dispensary either on foot or on a hired rickshaw/tonga and the strength of the escorting warder staff is usually inadequate.

Conserable difficulty is experienced if during night a prisoner suddenly falls ill and requires immediate medical attention since in small towns it is usually not possible to arrange any transport and hardly any jail staff is available at the prison. All this creates problems in relation to safety and security of prisoners.

4.36. When a prisoner is admitted for specialist treatment in any hospital outside the prison serious problems in regard to his custody and security in that hospital are

faced. Usually the police is required to provide a guard to keep a watch over such a prisoner but sometimes when such a guard is not available the jail staff has to perform this duty. In most of the hospitals separate wards or rooms have not been earmarked for the prisoners and they are generally kept in general wards. The police or the jail warders find it extremely difficult to ensure security in these wards and their presence is objected by other patients.

4.37. The following are our recommendations:

- (i) The doctors and other members of the hospital staff should work under the administrative control of the jail superintendent and he should write their confidential reports.
- (ii) The medical officers and other medical staff should be made to undergo a short-term (two or three weeks) orientation course organised by the I.G. Prisons, immediately before or soon after joining the prison. During this course they should be specially briefed about the requirements of safety, security and discipline.
- (iii) As far as possible, a prison hospital should be situated near the main gate of the prison.
- (iv) Instead of all sick prisoners going from the wards to the hospital, wherever possible, a medical officer with a compounder and some medicines in a trolley should take a round of all the wards and cells. After examining the sick patients he should distribute medicines

to those who are suffering from minor ailments. Only those prisoners who require hospitalisation should be sent to the jail hospital. This will reduce considerably the movement of prisoners from their wards to the prison hospital.

- (v) A room at some convenient place outside the main gate should be earmarked for consultation with the medical officer by the families of the prison staff and those personnel of the staff who are not on duty. They should not be allowed to go, at all, inside the prison.
- (vi) Visiting specialists from local hospitals should be appointed to attend to such ailments of prisoners where specialist treatment is required. Only for major surgical treatment and investigations the prisoners should be sent to the hospitals outside the prison. Facilities for pathological tests should be provided in all the jail hospitals. The jail superintendent may at his discretion ask for a second medical opinion before sending a prisoner to any outside hospital for treatment on the recommendation of the jail Medical Officer.
- (vii) The hospitals outside the prisons where sick prisoners are required to be admitted should have separate wards or rooms with doors and windows duly fortified from security angle, for keeping the jail patients. The patients should not be taken to the rooms of different specialists in the hospital for consultation and check, but the doctors should visit the jail patients in their



wards to examine them. The custody of the patient prisoners lodged in these wards in the hospitals should be of the jail staff, but in case of dangerous prisoners police help should be taken. All rules and regulations for interviews, communications etc. as provided in jail manuals should be followed for these patient prisoners.

(viii) Every central jail or district jail hospital should be provided with an ambulance and this vehicle should be used only for medical purposes.

(ix) Adequate staff for custodial duties should be deputed in the jail hospital. In the special security prisons or maximum security prisons the officer in-charge of the custodial staff in each shift in the hospital ward should be at least a Deputy Jailor. A minimum of one head warder and a warder should be on duty in each shift. They should be responsible for security and discipline among the prisoners and they should work in cooperation with the hospital staff. There should also be full cooperation and coordination between the executive staff and the medical staff of the jail.

(x) The same convict officers should not be detailed for duty in the jail hospital for a long period and they should be changed frequently. Special watch should be maintained about the possibility of close contacts between the convict officers and the prisoners admitted in the hospital.

women warders has been provided. For some jails, only one woman warder has been sanctioned and she is supposed to remain on duty all the 24 hours. At some places no woman warder has been provided at all, and the jail superintendent has been authorised to engage women from outside, on daily wages, to work as warders. Engaging of women warders in this manner is a serious security risk. No disciplinary control can be exercise over them and such ad hoc employees would hardly be conversant with prison rules and regulations. We recommend that a regular cadre of women warder staff should be developed for posting in district/central prisons and exclusive women's prisons. The pay and allowances of the women warders should be the same as those of male warders and they should be made to undergo regular training. It should be possible to arrange their training in the institutions meant for training of women police constables. In our view, at least two women warders should be on duty in the women's ward, in each shift, whether during day or night. Thus, there should be at least six women warders sanctioned for each central and district jail which has a women's ward. For every three women warders there should be one woman head warder. In district jails or sub-jails where the average daily population of female inmates does not justify the employment of female staff on permanent basis, such staff may be arranged on daily wage basis. A panel of suitable women volunteers should be maintained in each district/sub-jail after their security verification. Training in rules and regulations of the district jails and sub-jails and in security precautions of the women volunteers on these panels should be arranged like the personnel of the civil defence or home guards.

- (xi) Convict officers who perform the duty of male nurses should never be permitted to prescribe medication or perform any sort of operation regardless of how well-trained they may be.
- (xii) No prisoner or jail official should be permitted to enter the hospital without proper authority.
- (xiii) The medical officer should ensure that an accurate account of all tools and instruments is maintained.
- (xiv) At frequent intervals inspections and searches should be done of each bed, ward, corridor, bathroom, office and dispensary in the jail hospital by the staff deputed by the jail superintendent.
- (xv) Prisoners admitted to the hospital should not be permitted to loiter around or congregate at any point.
- (xvi) The warder staff on duty in the hospital should make detailed inspections and checks of all windows, doors and gratings of hospital wards.

#### WOMEN'S WARD

4.38. Almost each district or central prison has a separate ward for women prisoners. Under the rules, a women's ward should be under the charge of women warders. Hence, at least one woman warder should be on duty in each shift of 8 hours. Thus, a minimum number of 3 women warders would be needed, excluding the requirement of leave reserve. We, however, saw that in a very large number of jails not even this number of

#### JAIL KITCHEN

4.39. The kitchens in the jails are located mostly either in separate blocks or wards. In the sub-jails one of the rooms is converted into the kitchen. The cooking in all the jails is done by the prisoners and they usually work in two shifts. The morning shift starts at about 2 A.M. and they finish the cooking for all the prisoners by about 8 or 9 A.M. and the second shift starts at about 12 noon. The prisoners selected for cooking are usually provided living accommodation in a barrack located adjoining to the kitchen and having a passage connected to it. In some of the jails the living accommodation for cook prisoners and the kitchen form one block which is kept locked during night. The duties assigned to the prisoners for cooking are strenuous and hard and especially during the summers the working conditions are quite difficult. Compensation in the form of remissions and wages is given to the prisoners who work in the kitchen. At the same time, constant vigilance from the security point of view in the kitchen block is necessary. The jail officials start relying too much on the prisoners who volunteer for cooking and the same prisoners are often kept on this assignment continuously for long periods. Some of them after gaining confidence of the jail staff conspire and manage to escape.

4.40. The following are our recommendations:-

- (i) As far as possible the same prisoners should not be put on the kitchen duty for long.
- (ii) The warder staff entrusted with supervisory and custodial responsibilities in the kitchen should remain alert constantly and there should be no complacency merely because the prisoners

- are doing a difficult job. At least two warders should be on duty in the kitchen ward in each shift. Supervisory jail officials should keep on visiting the kitchen frequently.
- (iii) It is important that sufficient food should be prepared and it should be properly cooked. There should be no shortage of food when it is served among the prisoners and each should be given his full share.
- (iv) Knives, tools or other articles used in the kitchen and which could be used as a weapon for escape should be kept under lock and key. These should be issued to the convict cooks only when they are under watch of the warder staff.
- (v) All prisoners leaving and entering the kitchen should be thoroughly searched.
- (vi) When a group of prisoners is passing the kitchen, where knives or other implements are being used, its doors should be kept locked.
- (vii) At present in district jails and sub-jails which are being exclusively used for keeping undertrials some convicts are kept as a matter of policy for maintenance services including cooking, as the undertrials cannot be forced to work and very few of them volunteer for the same. Whole time cooks should be engaged for such jails.

#### ARMED GUARDS

4.41. In most of the districts and central jails in various States an armed sentry remains on guard duty in front of the jail gate. He forms part of an armed guard, also known as the reserve guard, stationed outside the main gate and close to it. This guard stays in a guard room which is usually located quite near the main gate. In some jails the armoury, where all the arms on charge of the jail are kept, is in one of the rooms of the building where the reserve guard stays. In some other jails, the armoury is in the main administrative block and it is located near the outer gate of the main gate. The armoury has a door which opens outside and it has another door which opens inside the jail. The inner gate is used to take out arms in the event of an attack from outside. In some other jails, the armoury is in the main administrative block, inside the jail, and it has no door opening outside.

4.42. The overall position of security in regard to the armed sentry, who is posted outside the main gate, is quite vulnerable. There have been some instances of overpowering these sentries and attacks on the prisons. If the location of the guard room, where the remaining members of the armed guard rest is at some distance from the main gate, they are usually not in a position to quickly come to the support of the sentry. At present, most of the guarding staff in the jails is not given training in handling and firing with .410 Musket, which is provided to them.

4.43. The following are our recommendations to improve the security of the armed guard stationed at the jails and to make it more effective:-

- (i) The strength of the armed guard should be at least of two head warders and 8 warders and it should perform duty for 8 hour's shift. There should be two armed sentries on duty at one time. One of these sentries should be posted in front of the main gate. The other sentry should be on duty at a point slightly away from the first sentry, preferably near the building of the guard room (also called quarter guard). The second sentry will provide cover to the sentry on duty at the main gate and he will also be responsible for the security of the fire-arms kept in the guard room. All the members of the guard who are not performing sentry. duty will remain present in the guard room (i.e. the quarter guard) throughout the period of eight hour shift. All the members of the guard i.e. head warders and warders will turn out together and disperse simultaneously when relieved by a new guard at 8 hourly shifts. Proper quarter guard instructions and drill should be worked out for each jail as is done in police lines.

- (ii) The armed sentry on duty near the main gate should instead of standing on the ground have his post either at a watch tower close to the main gate or on the first floor, right above the main gate, from where he can have a good view of the area in front of the main gate and outside it. He will be less vulnerable to attack from outside and he can provide security cover to sentry posted near the guard room. If a watch tower is provided near the main gate all the security precautions in regard to it as explained earlier should be observed.
- (iii) The armoury of the jail should not be located too far from the main gate of the jail building and it should be adequately guarded round the clock.
- (iv) Only such men should be posted in the armed guard who have had training in handling and firing the fire-arms issued to them. In special security prisons maximum security prisons or in prisons where very dangerous and maximum security prisoners are lodged the armed guards outside the jails should be armed with 7.62 mm SLRs.
- (v) The duty of the armed sentry and the armed guard of which he is a member posted at the main gate should be entirely to guard the jail. The sentry and the other members of the guard should not be



required to do miscellaneous duties like opening the gate, meeting the visitors coming up to the jail gate and conveying their messages to the gateman inside, searches of visitors, etc. A separate jail official should be deputed for all such miscellaneous duties.

#### CANTEENS

4.40. Canteens exist within the jail premises in several States from where items of daily use can be purchased at reasonable rates by jail inmates against coupons. In some jails facilities for tea and refreshments also exist. While it cannot be denied that the institution of canteen is necessary as without this facility the urge to smuggle in items and even contraband would be heightened, the need for proper checking of items available for supply in the canteens and control over the activities of inmates in the canteen cannot be overlooked.

4.45. Our recommendations are:-

- (i) The need for setting up canteens in all jails, of and above the level of district jails, should be considered.
- (ii) Access to the canteen should be restricted to fixed hours during the day.
- (iii) All items finding their way to the canteen should be properly searched. Special precautions should be taken in high security prisons.
- (iv) Guards should be located in the canteens during the period these are kept open to keep a watch over the activities of inmates.

## COMMUNICATIONS AND TRANSPORT

4.46. The communication system between different sections of the jail and between the jail and offices of the District Magistrate, Superintendent of Jail, local Police stations and police lines, in almost all the States is inadequate and uncertain. While telephones exist at the residences and offices of most jail superintendents, the vagaries and erratic functioning of the telephone system render communication unreliable to meet emergency situations. The communication arrangements between the peripheral towers and central observation towers and different parts of jail are also largely obsolete. Whistles, gong soundings or shouting still constitute the mainstay of the system. These cannot be considered foolproof and reliable.

4.47. We, therefore, make the following recommendations:

- (i) Telephones should be installed in all the prisons.
- (ii) Intercom system should be installed in all special security, Central and district prisons.
- (iii) Walkie-talkie sets should be provided to special security prisons and to prisons where high security prisoners are lodged.
- (iv) Electric alarm system should be installed in all important jails.
- (v) An electronic system for checking patrolling of warders may be introduced in all important prisons like in the Bangalore Central Jail.
- (vi) Proper communication system between the peripheral towers, the control tower and jail office as also some important district offices should be provided. There should be W/T communication link with the police.

(vii) Prison officers designated as security officers should be provided with telephones at their residences.

(viii) For coordination and liaison with other agencies/ officials and to meet emergency situations each central or district prison should be provided with a vehicle.

#### VISITS OF OUTSIDE CONSTRUCTION EMPLOYEES

4.48 At present, outside construction employees, engaged by the PWD and other agencies for various requirements inside by the jails, are required to be searched at the main gate both at the times of entry and exit. In some States, a system exists for entering their names and particulars in the entry register at the main gate. Their activities inside the jails are required to be supervised by the jail warders. The jail inmates are not normally allowed to be employed on such contract jobs. Problems, however, arise due to improper identification of such contract employees and inadequate watch and control over such personnel, which enable interaction of such contract employees with the inmates.

Our recommendations are:-

- (i) Thorough searches should be carried out at the main gate at the time of entry and exit of such contract employees.
- (ii) A system of identification through badges carrying photographs should be introduced and these identity cards should be displayed by all such contract employees.

(iii) At no point of time should such employees be allowed access to the inmates or freedom of movement inside the jail. For this purpose, it is essential that sufficient guards are deployed at the places where such employees work to prevent such interaction.

(iv) As far as possible the same precautions as for construction employees should be followed for all persons who are required to visit the jail for maintenance and repair work.

#### PLACES OF WORSHIP

4.49. The location of places of worship in the jails should be sufficiently away from the perimeter walls. Visits to such places should be properly regulated under escort and in small batches so that all activities/movements can be closely monitored.

#### EMERGENCIES

4.50. The jail manuals of some of the States contain general guidelines and instructions for dealing with some of the emergency situations which may arise in prisons. The Jail Manual Committee in Chapter LIII of the Model Prison Manual has explained, in detail, various types of emergencies which may arise in a prison and what measures should be taken to prevent such situations and to equip the prisons to meet the various types of emergencies. We agree with all the recommendations and suggestions of the Jail Manual Committee and we strongly recommend that for each jail a scheme for dealing with every conceivable type of major emergency should be prepared. Although it can be envisaged from before as to what type of emergency situations can arise in prisons the handling of any

such situation will vary from prison to prison, depending on its location, the staff strength, communication facilities, the type of inmates, etc. Emergency/Contingency scheme for each prison for dealing with various types of emergencies such as riots, escapes, attacks, fires, political agitations etc. should be prepared and practised at fixed intervals and an analytical report on each such practice exercise should be submitted to the I.G. Prisons.

#### SOME GENERAL MEASURES FOR SECURITY:

4.51 In the foregoing paras we have examined the present security arrangements in some of the important areas of the prisons and have made recommendations for improving them. The following are our recommendations in regard to certain points affecting the overall security of the prisons:-

- (i) There should be a whole-time security officer for each jail. These security officers should work in 8-hourly shifts. In special and maximum security prisons the security officer should be at least of the rank of Deputy Superintendent of Prisons. In medium security prisons he should be at least a Deputy Jailor. For more details about the prison security officer, please see Chapter V.
- (ii) At present only warders and head warders are present in most of the jails during night. It is necessary that an officer of higher rank should be present in the jail throughout night. In special and maximum security prisons this officer should be at least the rank of Deputy Superintendent of Prisons and in minimum security prisons and sub-jails he should be of the rank of Deputy Jailor.

- (iii) The jail officials of various ranks who are on duty inside the prison during night, change their shifts every three hours. The jail gate is, therefore, opened frequently during the night for their ingress and egress. This is not advisable from the point of view of security. The jail gate should be opened during night only in some emergency or for entry and exit of officers who come for inspections. All jail officials on duty inside the prison during night should remain there till the time of opening of the jail. They can change their shifts after every three hours but they should stay in rest rooms provided for them inside the prisons. In the event of some emergency these personnel would be available quickly for dealing with the situation.
- (iv) All members of the staff of each and every rank working in a prison should be issued photo identity cards and they should display them on the left side of their chests all the time when they are on duty in a prison. No one, including the jail superintendent and the medical officer, should be exempted from this. The I.G. Prisons and the DIG Prisons should also display their photo identity cards whenever they visit any jail.
- (v) For each jail a booklet containing various rules, regulations and instructions relating to security and discipline, both of general nature and those which are specific for that jail,

should be prepared for the guidance of the staff. A copy of this booklet should be provided to each member of the staff when he newly joins the jail.

- (vi) The prison staff should never lull itself into the belief that "it cannot happen here". There should be never a let-up in vigilance and alertness on the part of any member of the staff.
- (vii) The prison staff should never make the same mistake twice. This can be ensured only by strict compliance of all rules, regulations and orders and strict supervision.



## CHAPTER V

### SOME OTHER MEASURES FOR SECURITY

#### INTELLIGENCE

5.1 For maintaining good security and discipline in the jail it is essential that the jail superintendent should have reliable intelligence about the mood, temper and feelings of the prisoners. A successful jail superintendent should be able to know in advance whether there is dissatisfaction, hostility and unhappiness among the prisoners in regard to any issue and what is the extent and degree of such feelings and the nature of their cause. Intelligence should also be available whether entire body of the prisoners or some groups or individuals are planning to indulge in some mischief or do something which is in violation of the rules and regulations. During our visits we found that although the supervisory officers of the jails were conscious of the need and importance of good intelligence, they had either confused ideas about the methods of obtaining intelligence or they did not know how it can be collected. In every jail, however, we were told that the convict officers were the main channel for obtaining intelligence relating to the prisoners and that they had been very useful in this respect. The jail officers in some of the States wanted the State Intelligence Branch to collect intelligence about the prisoners and feed it to them. Some jail superintendents wanted that they should be provided with good amount of secret service money so that they could raise sources among the prisoners.



5.2 The utility of convict officers in providing intelligence about the jail inmates is limited. One can never be fully sure about their reliability. The convict officers are also known to be the men of the management and the other prisoners would normally not trust them. The convict watchmen, who stay inside the barracks with the prisoners, during the night, may come to know something about the feelings of dissatisfaction among the inmates about the matter like bad living conditions, lack of basic facilities, behaviour of some jail officials etc. but if the prisoners are planning or conspiring to indulge in some protest action or violence or escape, they would be cautious that the convict watchmen do not get any inkling of their plan. Raising of sources among the prisoners is also not likely to help much. It will be difficult to ensure secrecy about contacts between prison officers and these sources and if they get exposed they will become targets of anger and attacks of other prisoners. The State Intelligence Branch, which mainly follows the modus operandi of raising sources and contacts, will, therefore, be not of help. Its assistance could, however, be taken to maintain a watch over the activities of prisoners when they go out on parole or furlough and to check the antecedents of some of the visitors who come to see the prisoner, specially those who are high security risks. Intelligence about the prisoners can be best obtained through constant alertness and vigilance by all members of the jail staff, specially those who are entrusted with custodial responsibilities. It is necessary to keep an eye on the behaviour, conduct and attitude of each and every prisoner and look for any abnormalities in this connection. Unusual actions such as moodiness, evasiveness,

formation of small cliques, defiance or slowness in carrying out orders or refusal to work, etc. are of significance and should not be ignored. On some occasions shouts and laughter which were the common feature in the barracks might not be in evidence. Sometimes, it might be seen that groups of inmates are talking in low tones or gazing furtively but they disperse when a prison official approaches. Alertness and ability to discern and analyse such abnormalities in attitudes and behaviour of inmates by the prison officials can provide best intelligence and warn the prison administration of likely trouble. Detection of such trouble signs is not as simple as it appears and it needs systematic and careful approach. It would be necessary to organise short intelligence courses to train and brief the jail officials as to how they should keep their finger on the pulse of the inmates. It would also not be advisable to create a separate intelligence cell amongst the officials working in a prison. It would not be possible to ensure secrecy of the facts that they constitute the intelligence cell of the jail. It is the duty of each and every jail official to keep his eyes and ears open and to be constantly vigilant.

#### CENSORSHIP

5.3. Censorship of the mail of the prisoners, both incoming and outgoing, should prove useful in collecting intelligence about the prisoners. The following arrangement should be made for censorship.

- (a) examination of each and every letter;
- (b) a secure 'mail-room' to which accessibility should be restricted to only those who are authorised by the jail superintendent;
- (c) censoring staff should be fully trained in modern techniques of examining letters, including detection of secret writings; training can be arranged with the help of State CID;
- (d) all equipment needed for opening and examination of letters should be available in the 'mail-room'

#### PHOTOGRAPHING AND FINGER-PRINTING

5.4. Each and every prisoner when he is brought to a special security or maximum security jail, whether he is under trial or convict, should be photographed unless he is required to undergo formal identification proceedings and his finger prints should be taken at the time of his admission and these should be kept in his personal file or admission register. Equipment for instant photographing and for finger printing should also be available in each district and central jail and some staff should be got trained in this work. In case the jail officials are not permitted under the law to take photographs and finger prints of prisoners, then it would be advisable to make statutory provision for this. Photographs and finger prints will be useful in checking the identity of prisoners who may have to be taken out of the prison frequently <sup>and</sup> in apprehending the escapees.

....91/-

## COMPUTERISATION OF PRISON RECORDS

5.5. A large number of records are being maintained in the various prisons. At a number of places we learnt that the jail records were not being kept upto date due to shortage of staff. Even if adequate staff is available, the process of making entries in them is time-consuming and often it is not possible to retrieve information from them quickly.

Computerisation of the records will, therefore, be very useful. We are, however, not in <sup>a</sup> position to recommend as to which of the records of the jails should be computerised. We recommend that a separate committee should examine the whole system of prison records and suggest changes and alterations to bring about rationalisation. It should also suggest, after consultations with experts, as to in which area of prison records computerisation can be introduced.

## PRISON DOGS

5.6. Dog sections have been introduced in the prisons in some of the western countries. Dogs have been found useful in perimeter security and in patrol work. They have also shown considerable detection and interception capability. Dogs have been found useful in special searching exercises. These searches help in discovery of drugs, fire-arms and explosives. Searches with the help of dogs also have a deterrent effect on those who try to smuggle contraband into the prisons. However, maintenance of dog squads and their handlers involves considerable expenditure. To begin with, dog sections may be introduced in special security prisons or such jails in some parts of which very high security prisoners are being kept.

## PERIMETER FENCE SYSTEM

5.7. In some of the Western countries fence systems with electronic sensor devices fixed in them are now being used for perimeter security instead of high walls. It is, perhaps, cheaper and quicker to instal the fence system than construction of a wall but in the Indian conditions we are of the view that the system of having walls for perimeter security should continue. The main reasons are the following:

- (a) Unlike western countries where climate is usually cold, most of the activity in our prisons takes place in the open areas enclosed by the perimeter wall. It is not advisable that movements and other activities of prisoners should be visible to the people from outside.
- (b) Prisoners who are security and escape risks can convey messages through signals to people standing outside the perimeter fence. It has almost been impossible to create an 'out of Bounds' belt outside the perimeter of any prison in our country. Even at places where such 'out of bounds' areas were earmarked at the time of construction of prisons, they have been encroached upon by the people and local authorities have not been successful in removing them
- (c) The effectiveness of a fence system depends mainly on the efficient working of the electronic sensors fixed in it at suitable points. It is

difficult to ensure continuous operation of electronic gadgets in security installations of our prison due to erratic power supply at various places. In addition, there is the serious problem of maintenance and replacement of these electronic gadgets.

5.8. In special security prison the fence system may be fixed outside the perimeter wall near the periphery of 'out of bounds' areas. The fence system has two perimeter fences, each of a height of at least 12 feet, placed 20 to 30 feet apart. This distance between them prevents the potential escapees from easily jumping to the second fence if they have reached the top of the first one or easily crossing the fence with devices such as ladders. It also provides adequate space to place rolls of barbed wire ("Security wire") between the fences while leaving a pathway to apprehend potential escapees. Both fences are equipped with "security wire" (i.e. rolls of barbed wire). In high security institutions, underground barriers are sometimes placed under the inner fence to inhibit tunneling.

#### CONTROL ROOM

5.9. A Control Room should be established near the main gate area in each special security prison, maximum security prison and medium security prison. It should function as the nerve centre for the entire prison. The activities of the Control Room should include controlling the prisoners' entry and exit, traffic recording of all inmate counts, monitoring of fire and security alarm system, operating

central communicating systems, issuing and maintaining lists of keys, operating electrically controlled doors (if installed), monitoring the perimeter and operating telephones and communication system. Each of these activities are very important from the point of view of orderly and secure operation of the prison. The Control Room should work under the supervision of the Chief Security Officer of the prison and it should function all the 24 hours a day, seven days a week. The CCTV in the Control Room should allow coverage of all the sensitive areas including the main gate. The Control Room should be located in the administrative block near the main gate. Its wall towards the main gate should be of secure laminated glass so as to ensure clear-sight of all activity in the main gate area (Appendix VII).

#### DECENTRALISED MANAGEMENT AT PRISON LEVEL

5.10. In the USA "a new generation" of prison designs has been developed with the object of facilitating a decentralised unit management system. Under this system a small (50-100) group of prisoners are assigned to the care of multi-disciplinary teams of staff to which maximum possible decision making authority is delegated. It is claimed that the decentralised unit management increases contact between the staff and the inmates, fosters better inter-personal relationship and leads to a more knowledgeable decision making as a direct result of staff dealing with smaller and more permanent groups of inmates. In our country the entire administration and management of a prison

is highly centralised and it is controlled by the Superintendent of the jail. There is no delegation of the decision making authority. The responsibilities of the jail superintendent have been increasing day-by-day and he has, now, to do a lot of office work and spend considerable time in frequently visiting the courts in connection with writ petitions. It would be advisable to try the experiment of decentralised management in some of the medium security prisons in our country. Good knowledge about the prisoners, on individual basis, helps in improving control, discipline and treatment programmes. The decentralised system also lays greater emphasis on the accountability of the staff. The basic elements of the decentralised system in an Indian prison would be as follows:

- (a) A prison should be divided into autonomous units, consisting of one or two wards, with a total population of about 100 inmates.
- (b) Each unit should be put under the charge of a Deputy Superintendent and he should be provided the required staff of Assistant Superintendents, head warders and warders. The officer-in-charge of a unit and the staff working with him should be made fully responsible for lodging, boarding, clothing, interviews, work assignment, progress of vocational training, recreation, legal and family problems, correctional requirements and implementation of reformative measures, recommendations for concessions like remissions, parole, furlough etc.



Responsibility of watch and ward, safe custody and discipline will also be of this staff.

- (c) Alteration of work programmes and vocational training will be done by the officer-in-charge of the unit in consultation with the staff.
- (d) Certain common facilities like kitchen, hospitals, education and vocational training will remain. Committees headed by the Jail Superintendent and Officers in-charge of various decentralised units will take decisions in matters relating to these facilities and those affecting the prison management as a whole.

5.11. The decentralised system would, however, require more staff. Also, while this system would help in achieving the positive aspects of increased contact between staff and the inmates there would also be greater chances of collusion between them for corrupt and undesirable practices. Hence, it would be necessary that only staff of proven integrity and ability is posted in various units of the decentralised system.

#### ELECTRONIC DEVICES

5.12. Some of the electronic devices which are being used for security and safety in the prisons of western countries and which may be useful in our country also are mentioned below. However, we have not been able to see any of these devices except CCTV and would, therefore, suggest that before a decision to instal any of them is taken they should be seen in actual operational conditions and opinion of Indian technical experts taken from the point of view of their effectiveness in Indian conditions and availability of maintenance facilities.

## CENTRAL AUTOMATIC CONTROL SYSTEM

- (i) It allows electronic unlocking of cell doors from some central points in a block containing a number of cells. In the main gate area, the opening and closing of the two gates can be electronically regulated from the control room. Thus, even if the prisoners overpower an officer, whatever the keys he may be carrying, they will not be able to unlock the gates.

## PAGING SYSTEM

- (ii) Paging system allows the control room of the prison to make general announcements, summon individuals and alert staff about emergency. Since institution-wise paging causes unnecessary disruptions in areas unaffected by specific announcements, zone paging would be advisable. A 'listen-in and talk-back' arrangement provides the capability to monitor a specific location or to conduct a conversation.

## CLOSE CIRCUIT TELEVISION (CCTV)

- (iii) It can be used for monitoring activities along the perimeter wall, roof tops and main gate area, etc.

## BODY ALARMS FOR STAFF

- (iv) Alarms are provided to selected staff to enable them to summon assistance in an emergency. These alarms are worn on the body and transmit a signal to the Control Room when activated.

5.13. Two basic types of body alarms are currently available in the USA. One is an ultrasonic system that transmits an inaudible signal to receivers spaced every 30 linear feet throughout the institution. The receivers are connected to the control room and when the ultrasonic signal is picked up by a receiver, an alarm is sounded in the control room identifying the location of the alarm.

5.14. The second type of body alarm operates on a radio frequency. This alarm produces a 'tone-coded FM signal' that identifies which body alarm has been activated. An even more effective, but more costly, variation of this alarm is equipped with an audio feature that, when activated, enables the control room officer to hear the "ambient sounds" near the activated instrument for a 10-second period. The purpose is to communicate to the control room officer both the nature and location of the problem.

5.15. A word of caution about use of sophisticated electronic security systems should be mentioned. In many of the western countries such systems used and tried in prisons have not always been found successful. Many of them caused more problems than they had solved. It has often been felt that complicated security systems are an admission of design and administrative failure. The Council of Europe in its report on Custody and Treatment of Dangerous Prisoners, published in 1983, made the following observations about the use of sophisticated electronic systems in prisons:

"They require to be regularly serviced and maintained and in no sense do they afford a performance which is free from problem or trouble or which dispenses from the need, in certain circumstances, for staff to be available to intervene personally, on location and to verify situation visually. They are also liable to be rapidly overtaken by technological advances and relatively early obsolescence can ensue from this. While a costly system which meets requirements adequately does not have to be discarded simply because it is overtaken by advances in technology, difficulties related to servicing and maintenance and components can increase progressively and investment in equally costly updated systems may not always be avoidable."

5.16. The Council, at the same time, stated that despite significant shortcomings, problems, failures and cost applied technology had made valuable contribution to security surveillance, monitoring of functions, communications and availability of information. But it also felt that the increasing reliance on technology, remote control and automation might contribute to lessening of personal contact between staff and prisoner and thereby add to some negative features. It observed that "the notion should not be allowed to prevail that technology can become a total substitute for the human factor in any aspect of prison operations or that staff can, to any extent, abdicate their responsibilities to

technology. It is never more than an extremely sophisticated and versatile aid in certain sectors and it should enable the uniqueness of human input to be applied to a greater extent in other sectors". In our country use of "electronic security systems is likely to be limited by erratic and uncertain power supply and inadequate maintenance facilities. We are, however, strongly in favour of use of the following electronic gadgets for security in our prisons as they are produced indigenously and have been successfully tried and used by a number of security agencies:

- (i) closed circuit T.V. (CCTV);
- (ii) electronic alarm system;
- (iii) walkie-talkie;
- (iv) door-frame and hand-held metal detectors;
- (v) intercom;
- (vi) X-ray checking equipment;
- (vii) explosive detectors;

#### SECURITY OFFICER

5.17 Security and discipline are closely linked with all activities inside a prison. All members of the jail staff irrespective of the roles assigned to them (whether of administration, custody, operation, maintenance, health, education or vocational training) should remain constantly vigilant from the point of view of security, discipline and control among the prisoners. Whenever they notice or observe anything which is abnormal or unusual and militates against security precautions and arrangements or violates the rules and regulations they should immediately bring it to the notice of the Senior officers of the prison and take steps in their competence to set right the position.

5.18. The responsibility of senior supervisory officers of the jail, viz, the jail superintendent and the deputy superintendent/jailor in regard to security is of highest importance. They are, however, not able to pay adequate attention to it because of increased work created by gross over-crowding, voluminous paper work, increasing complaints filed in courts, frequent influx of political agitationists, etc. Since the number of security risk prisoners has been increasing and there is now greater security threat to the jails in many parts of the country we feel that each jail should have a whole-time security officer. In central/district jails the security officer should be of the rank of Deputy Superintendent/Jailor and in a special security prison he should be an officer of a higher rank. The security officer should have a few assistant security officers of the rank of Assistant Superintendent/Deputy Jailor, and a few members of the warder staff attached to him and they should form a security cell. An Assistant Security officer should be on duty on 8 hourly shifts all the twenty-four hours. The security officer should be responsible for deployment, supervision, inspection and checking and control. The staff selected for security of all staff connected with security/cell should consist of personnel who are known for their efficiency, courage, smartness and integrity. The security officer should be directly responsible to the Superintendent of the Jail. The security

security cell should, however, be not assigned exclusive security responsibilities on a permanent basis. They should be changed by another group of officers every three months.

5.19. It will also be the responsibility of the security officer to detail reserve warder guards outside the jail and intramural warders inside the jail for security purposes. The security officer will make regular and surprise checks inside and outside the prison and also of the outgangs and the prisoners admitted in hospitals outside the jail if they are in custody of jail staff. The security officer will be personally present at the time of locking and unlocking of the prison. He shall daily visit every part of the prison, including the cell, barracks, barrack-yards, workshop etc. and shall satisfy himself that there is no security hazard. The security officer shall have gratings in all parts of the jail tested daily by a head warder especially trained for this purpose. The security officer shall also see that planks, ladders, ropes tools and any other material likely to facilitate escape are kept in safe custody and out of reach of the prisoners. He shall be responsible for seeing that all steps are taken for the security of all parts of the prison and he shall also conduct searches of the cells, barracks, yards, workshops and other jail premises regularly and by surprise. The

security officer will check the number of prisoners during work hours whenever they are on assignment.

5.20. The security officer will check and ensure that all prison officials posted in different parts of the jail, both inside and outside, strictly follow the rules, regulations and directives in regard to security, discipline and their own personal conduct. He shall ensure that all intramural warders and reserve warders are made to do regular drill. It shall be his responsibility to ensure that arms and ammunition kept in the armoury are fit for use. He will maintain a report book in which all observations regarding security and instructions to staff will be noted.






## CHAPTER VI

### PRISON STAFF

6.1. The quality and effectiveness of discipline and security and the impact of treatment and correctional programme in a prison depend mainly on the performance and efficiency of its staff. The skill of the staff is the most important resource of a correctional institution. The prison systems can operate successfully only when it has the full support of professional and motivated staff. The calibre of the staff personnel, their character, personal integrity and the quality of their training are extremely important in the context of prison security and discipline as well as treatment, reformation and rehabilitation of the inmates. The quality of personnel charged with the responsibility of looking after a prison is as important as sound operational regulations and procedures and physical restraints.

6.2. During our visits to the prisons in various States, we found that the members of different ranks of prison service generally lacked the above-mentioned qualities and in most of the jails there was an all round atmosphere of inefficiency, slackness, disinterest, poor discipline and lack of motivation. The training of prison personnel had been mostly neglected and wherever training arrangements exist they are in a deplorable state, barring a few exceptions. We also found that the calibre of prison personnel was generally very poor and except for some rhetorics no concrete steps have

been taken to prepare them to adjust their custodial responsibilities in relation to the correctional objectives. In the areas of prison safety and security and of discipline, too, there has been all round deterioration and most of the escapes and the control problems have been arising primarily due to omissions and commissions of the prison staff and lack of guidance, supervision and resources. There is also acute frustration and demoralisation among the members of the prison staff of almost all ranks and this has been vitally affecting their efficiency and performance in an adverse manner. The main reasons for their low morale are the following:

- 
- (i) Low priority to prisons by the State Government;
  - (ii) Lack of leadership;
  - (iii) Poor pay-scales and non-payment of some essential allowances;
  - (iv) Poor training or lack of training;
  - (v) Extreme stagnation and poor promotional prospects; inadequate cadre structuring and absence of a mechanism to make systematic studies of manpower needs;
  - (vi) Absence of basic facilities for the staff, specially in respect of family accommodation;
  - (vii) Long hours of duty, at any time of day and night;
  - (viii) Lack of motivation; routine nature of work;

- (ix) Poor incentives; unsatisfactory working conditions and no system of reward or recognition of good work;
- (x) Lower status of the prison personnel of various ranks vis-a-vis members of other services;
- (xi) Low priority or lack of interest by other departments whose cooperation is essential for successful operation of the prison;
- (xii) Growing lack of confidence due to increasing threats to the staff and their family members from influential, moneyed or dangerous prisoners or their supporters;
- (xiii) Restrictions imposed by the courts on the powers of jail officials to maintain control and discipline over the prisoners;
- (xiv) Inadequate resources, including insufficient staff and growing complexity of prison work;
- (xv) Political influence in recruitment, postings, transfers, promotions etc;
- (xvi) Monotony of job.

6.3. The duties of the members of the prison service have now acquired a specialist and sensitive complexion. They involve handling a large number of law-breakers, coming from different backgrounds and ensuring their safety and security and simultaneously pursuing correctional programmes evolved for them in a sympathetic and humane manner. All these demands require high discipline, motivation and

industriousness on the part of all personnel of prison staff as in other security services such as armed forces, the police or the para military forces. For achieving a high degree of efficiency, one of the essential requirements of prison service would be good leadership and its development into a professional career service. Unfortunately, this important matter has been generally neglected and not appreciated by most of the State Governments. There is a mistaken belief that the jail department can be led or managed by anyone or everyone. In most of the States the I.G. Prisons do not belong to the prison service and there is no permanency or uniformity about the status or the background of the persons who are appointed to this post. In some States the posts of I.G. Prisons are being manned by officers of the IAS or the PCS and they are of the rank of Commissioner or a Deputy Commissioner. To the officers of these services viz. the PCS and the IAS, the appointment of I.G. Prisons is least welcome as it is generally considered unimportant, and they try to get away from it as early as possible. Thus, very few IAS or PCS officers remain on the post of I.G. Prisons for reasonable periods so as to acquire good background and knowledge of the problems of the department and take concrete measures to bring about improvement. In recent years, the State Governments have started appointing Police officers,

also, as I.Gs Prisons. In this connection, too, there has been no uniform policy. In some States, D.Gs/I.Gs Police who were quite near to their retirement were appointed as I.G./D.G. Prisons. In States where younger police officers of adequate seniority or IAS/PCS officers were appointed as I.G. Prisons and their tenure was sufficiently long, only they could make positive contribution towards improving the conditions in the prisons despite the fact that jails continued to get low priority from the State Governments. Thus, one of the most important requirements is to develop the prison service as a professional service so that in due course of time officers who have wide and detailed experience of the prison work and who have attained the required calibre take over as the head of this organisation. In the States where the State Governments feel that officials of the prison department are not yet ready to take charge as I.G. Prisons, it should be ensured that no officer from any other service is appointed to this post, who is reaching his retirement. Also the tenure of the officer who is appointed to man this post should, be at least three years, so that he has sufficient time to acquire adequate knowledge and understanding of the complexities of the problems of the prisons and is able to make useful contribution towards their improvement.

6.4. During our visits to the jails in various States we talked to the staff members of different ranks and asked for their suggestions for improvement of efficiency, security and discipline in the jails and for combining the requirements of safe custody with humane treatment of prisoners and correctional programmes for their reformation and rehabilitation. Everywhere the prison personnel talked only about their deplorable service conditions. They complained of their poor pay scales, inadequate housing facilities, stagnation and lack of promotional avenues, long hours of work, absence of staff welfare schemes, etc. They stated that while a lot was being done to provide better facilities for the prisoners and to grant them more concessions, their own lot continued to deteriorate. No attention was being paid to their training and without providing the required staff, equipment and other resources, they were expected to adopt modern techniques in handling of prisoners, while the population of jails and the number of difficult, dangerous and influential inmates had been increasing. They expressed that they appreciated the need for re-orientation in their approach in the treatment of prisoners, but they were often helpless as they could not arrange for even the basic facilities for them due to inaction by the State Administration or lack of interest by some other departments whose cooperation is very vital for the successful operation of jails. The jail officials complained that gradually their status and position vis-a-vis officers of other

departments had been diluted or eroded and hence they were unsuccessful in seeking their assistance. We feel that all these grievances of the prison service officials are genuine.

6.5. The Mulla Committee had examined, in detail, matters relating to manpower planning, policy of recruitment and selection of personnel, development of prison service as career service, adequate promotional avenues, improvement of service conditions and provision of appropriate training facilities, etc. and made detailed recommendations in Chapter XXIV of its report. We fully agree with these recommendations and strongly recommend that they should be implemented without any further delay. We are of the view that it may not be possible to bring about any substantial improvement in the standard <sup>of</sup> security and discipline in the jails as long as so much discontent, dissatisfaction, frustration and demoralisation prevails among the prison staff and it is necessary that causes for these are removed early, so that our prisons may become more secure and there is constructive inter-action between the staff and the prisoners and the jails can be operated on more scientific lines.

6.6. One of the main demands of the prison personnel is that since their duties and responsibilities are as difficult as those of policemen they should be paid salaries and allowances at par with the equivalent ranks in the police service. In our view, this is quite a genuine demand and it should be accepted as early as possible. Like policemen, the job of the jail personnel is difficult, full of hazards and personal risks. It is unpleasant in nature and is bereft of glamour. The jail personnel can be called for duty at any hour of day and night and, for all practical purposes, there are no holidays for them. They are expected to maintain good physique and be strong and vigorous as to be able to work for long hours. We have suggested elsewhere that there should be no difference in the content and rigorousness of the outdoor training of the jail personnel and policemen. Also, the standard of discipline among the jail staff should be as good, if not better, as that in the police. While the police have to handle criminals for a few days, the jail staff have to handle and manage them for months and years. Some of the States have already started paying to the lower ranks of the jail personnel, the same pay-scales as those to the police officials of equivalent rank. We recommend that the pay scales and allowances for the personnel of the prison service should be made at par with the police personnel in all the States. Allowances payable to the prison service personnel should include uniform grant, uniform maintenance allowance, risk allowance, 13 months' pay, etc. as admissible to the .....



police officers and men. We also agree with the recommendation of the Mulla Committee in para 22.44.10 of Chapter XXIV of its report that the equivalence which should be introduced between the different ranks of the prison service and that of the police should be on the following lines:

Warder	Constable.
Head Warder	Head Constable.
Chief Head Warder	A.S.I of Police.
Asstt. Supdt. Gr.II/ Asstt. Jailor	Sub Inspector of Police.
Jailor/Supdt. Sub-Jail at places other than Distt. H.Qrs.	Inspector of Police.
Supdt. Sub-Jail located at Distt. H.Qrs.	Dy.Supdt. of Police
Deputy Supdt. of a Central Prison or Supdt. Distt. Prison (less than 600 prisoners)	Addl. Supdt. of Police.
Supdt. Central Prison or Supdt. Distt. Jail having more than 600 prisoners	Supdt. of Police
D.IG.of Prisons	D.I.G. of Police.
I.G. of Prisons	I.G. of Police.

NOTE: We have made slight variations from the recommendations of Mulla Committee.

6.7. While granting equivalence in the salaries and allowances between the personnel of the prison service and that of the police, it is necessary that steps should be taken simultaneously to bring the standard of discipline

among the jail personnel to the same level, if not better, as that in the police. The procedure and powers for disciplinary action and control of the jail staff should be as stringent and speedy as those for police and para military forces. Also, no trade union activity of any type should be permitted among the jail staff. It would be necessary to pass some new enactments for better disciplinary control over the jail personnel and for banning trade union activity among them. We have examined this matter in detail in a separate chapter on 'staff discipline' and have made our recommendations there.

6.8. We also agree with the recommendations of the Mulla Committee about the recruitment in various levels in the prison service, the educational and other qualification and standards for recruitment and promotion, restructuring of the prison cadre as to provide opportunities for three promotions in the career, regulation of daily hours of work, leave reserve, accommodation for prison officials and facilities while on duty or otherwise. We support the recommendations of the Mulla Committee for institution of medals for awarding to prison personnel and for other welfare measures for them and their families. The Mulla Committee had recommended that I.G. of Prisons should have powers to sanction financial assistance upto Rs.2,000 to the prison personnel meeting with serious injuries, accidents etc. while on duty. We feel that the amount of this financial assistance should be raised to Rs.5,000. Also, in case of death of a prison personnel in lawful discharge of his duties, the lumpsum amount paid to the survivors of his family

should be the same as in case of officers of equivalent rank in the police and not merely Rs.20,000 as recommended by the Mulla Committee. We agree with the Committee's recommendation that uniform should be prescribed for members of the security and executive staff (i.e. from warder to I.G. Prisons) but feel that their badges of rank should be different from those of the corresponding ranks in the police. We recommend that the Government of India should appoint a committee to go into this. In our view, the uniform of the prison staff should be of a colour different <sup>than</sup> that of police.

6.9. The most important requirement from the point of view of development and improvement of the personnel of prison service is that their training should be of a high standard both at the time of their recruitment and during the course of their service. We have dealt with this subject in a separate chapter wherein we have made our detailed recommendations. We, at the same time, generally agree with the recommendations made by the Mulla Committee for the training of the prison staff and creation of training schools at the state, regional and central levels and also in connection with the incentives which should be given to the training personnel and the syllabus and course content of various training programmes.

6.10. One of the recommendations made by the Mulla Committee is the creation of an All India Service for Prisons with the object of achieving uniform development of prison personnel in the country. The constitution of such a service was also strongly recommended by Dr. W.G. Reckless, a U.N. Expert (1951-52), by the All India Jail Manual

Committee (1957-59) and by the Working Group of on Prisons (1972-73). The Mulla Committee found that the creation of such a prison service would be quite viable and stated that it will go a long way in bringing about not only uniform development of prison personnel but also in uniformity in tactics of prison management. Creation of an All India Prison Service will not only help in streamlining the structure of prison service at higher levels in the States but may also expedite similar action in regard to prison personnel of different categories in lower ranks as it would be necessary to fill up a fixed percentage of posts of the All India Prison Service, in each State, by promotion. It would, therefore, be desirable to create an All India Prison Service.

6.11. There is need for bringing about uniformity in nomenclature of posts, staff pattern, uniform, badges of ranks, requirements of educational qualifications and physical standards, etc. as there is considerable amount of variation in these matters between different States. We got the impression during our visits to the States that they wanted uniformity in regard to these issues, but no initiative was being taken by them because of non-availability of a common forum. We recommend that the Government of India should appoint committees under the auspices of the Ministry of Home Affairs to examine these matters as early as possible and make suitable recommendations.

6.12. In recent years the number of influential, moneyed and dangerous prisoners has been increasing in jails. The staff of the prisons where they are lodged, specially

those entrusted with custody and security of such prisoners, often receive serious threats from supporters or associates of these prisoners if their unjustified and unauthorised demands are not met. Even the family members of the staff get such threats. This has been the cause for considerable demoralisation and lack of confidence among the staff members. We have recommended elsewhere that in such situations the concerned staff members may be issued revolvers for their safety, during their movements outside the prisons, provided they have received adequate training and practice in handling the revolvers and they can ensure their security.

6.13. We were informed during our visits to most of the jails that the court directives and orders restricting the powers of the jail officials to exercise control and discipline among the prisoners and the increasing number of complaints, many false and frivolous, which are being filed in courts against the jail personnel have also been affecting adversely the morale, efficiency and the confidence of the jail staff. This matter, too, has been examined by us in other chapters. Some of the court directives are mainly aimed to ensure that the prisoners in jails are not denied their rights and they are given humane, fair and sympathetic treatment. The courts have, at the same time, usually recognised the requirements of prison security and discipline. In our view, a number of the directives of the High Courts and Supreme Court are not likely to create any serious problem from the point of view of safety and security of the prisons provided the prison staff is well-trained, motivated and contented and adequate resources of manpower and equipment are available in the

prisons and there is strict compliance of the rules and regulations. Whenever necessary in central or district jails a wholetime law officer should be posted to attend to matters connected with complaints and writ petitions filed in courts. The senior executive staff of jails will then be more free to attend to its other work and availability of legal advice from an expert in the jail, all the time will help its morale and efficiency.

6.14. Continued inadequacy of resources, including insufficiency of staff, has also been the cause of demoralisation and cynicism among the prison service. In the past, the problems of security in prisons were not as many as in the present times. Once a prisoner was locked up and his security was ensured he was virtually forgotten. A small number of security men was, therefore, sufficient to ensure the desired degree of security and often oppressive and suppressive methods were used. The objective of a prison regime, now, is not only secure custody of the prisoners but also to pursue the goal of his reformation and rehabilitation and for this to prescribe treatment programmes which include education and vocational training. Providing facilities for recreation and welfare and taking care of the necessities of life of the inmates are also essential. All this involves greater movement of prisoners from one part of the jail to another, with tools and implements and other materials, and also their congregation and association in large numbers. As a majority of prisoners in most of the jails are undertrials they have to be very frequently taken to the courts. This involves a lot of additional work involving counting, searches and movement of inmates. The problems of overall

security and custody have, therefore, become more complex and require larger resources and much greater strength of staff both at the lower and supervisory levels. The prisons cannot be operated and run as cheaply as before and by making use of a large number of convict officers. One of the high priorities for improvement of security and safety in the prisons is, therefore, to analyse and work out the requirements of additional staff at various levels and make it available soon. In U.K. (April 1985) staff-prisoner ratio 1:2.49. In Italy it was about 1:2. In India it is estimated at 1:6. A select committee of experts set up by the Council of Europe in 1982 to examine custody and treatment of dangerous and high risk prisoners accepted the staff-prisoner ratio 4:1. It is to be noted that these western countries have far greater automation, more sophisticated equipment and aids and comparatively smaller jails. Hence a realistic survey of the minimum required staff for every institution and its provision is essential in our country.

6.15. In many jails in various States ministerial staff for office work has not been provided and wherever such staff exists, it is generally inadequate. Most of the clerical work in prisons, especially in district jails and sub-jails, is done by the executive hands whose strength is already very inadequate. In recent years, the paper work in the jails has increased considerably and it is necessary that various records and registers should be maintained upto date on day-to-day basis. It is, therefore, essential that an assessment of the needs of the ministerial staff for various prisons

should be made early and necessary posts sanctioned soon. Overburdening of the executive staff with office work leads to neglect of its basic responsibilities connected with safety and security. This is yet another reason why little attention is paid to the work relating to reformation and rehabilitation of the prisoners and their education and vocational training.

6.16. We have commented elsewhere on the baneful effect of increasing political interference in many matters connected with operation and management of prisons. Prison officials are often made by their political masters or their supporters to extend special privileges or concessions to certain individuals or groups of prisoners even in violation of the rules and regulations. Political interference has also become quite common in matters connected with recruitment, posting, transfers and disciplinary control of the staff. All this has been contributing towards lowering the morale of the prison staff and undermining the security and discipline in the jails. We can only stress that the State Government should take stock of the deleterious effect of increasing political interference and on all aspects of prison administration and take measures to stop it.

6.17. In view of the special nature of the prison service it is essential that all its members should keep themselves in a state of physical fitness throughout their service. There should be a streamlined system for periodical medical/physical check-up of each member of the service and statutory rules should be framed for this.



## CHAPTER VII

### STAFF DISCIPLINE

7.1. Secure and efficient working of a prison depends primarily on the quality and performance of its staff. Professional competence, calibre, training, loyalty, sincerity and physical fitness of the staff are very important in this connection. However, the most vital factor in the efficient operation of a prison is the discipline of the staff. The duties of prison officials are of sensitive, complex and difficult nature requiring constant alertness and strict adherence to rules and regulations. Hence, high discipline on the part of each member of the staff of every rank is absolutely essential. During our visits to the States we found that in most of the jails the standard of discipline was much below than desired. Not only the turn out of the staff was poor but the overall impression it gave was of slackness and lethargy. We have pointed out earlier a number of factors which are responsible for inefficient performance of the jail staff and the main among them are inadequacy of the staff, neglect of training, demoralisation due to poor pay scales and unsatisfactory service conditions etc. We have also made recommendations about the measures which should be taken to improve these conditions. However, even if these problems are solved there is no guarantee that it would generate the desired degree of discipline among the jail staff. The following are some of the main factors responsible for general slackness and poor discipline among the personnel of the prison department:-

- (i) Poor training or no training at all;
- (ii) poor supervision;
- (iii) increasing trade union activity;
- (iv) weak and ineffective disciplinary rules;
- (v) political interference in recruitment, postings and transfers etc; and
- (vi) long postings in the same institution;

7.2. We have examined the subject of training of the prison staff in another Chapter. We have pointed out there that the training of the staff, which is so vital for its efficiency has been badly neglected in most of the States. We have <sup>made</sup>our recommendations as to what steps should be taken to streamline the training. What we wish to emphasise here is that thorough and well organised training programme imparted in a strict and regulated atmosphere inculcates self-confidence and discipline among the staff, especially the new entrants. One of the reasons why discipline among the jail officials is loose and lax is that many of them have not undergone any training, at all, and they lack adequate knowledge of the rules and regulations and norms of personal behaviour and conduct. They are supposed to work and learn and what they see in the process is the example of old hands with their general slackness and casual and indifferent attitude towards prison discipline. Hence, thorough and rigorous training of each and every jail official, especially the new entrant, right in the beginning is extremely important.

7.3. One of the main reasons for poor discipline among the prison personnel is the decreasing and ineffective supervision by the middle level and senior supervisory officers. Office work is increasing in the jails and the strength of the clerical staff provided is either very inadequate or no such staff has been sanctioned at all. Hence, the executive staff remains tied down with office work to great extent. Even at places where ministerial hands have been provided in sufficient numbers, our general impression was that the executive staff has been undertaking its supervisory responsibilities in a superficial and casual manner. All responsibilities related to custody, safety, control, discipline and treatment of prisoners are mostly left to the warder staff, who perform them in a mechanical and routine manner and the middle level or other senior officers of the prison take little interest in checking, guiding and directing them. Surprise inspections and checks are also being avoided. A system of effective supervision and surprise checks and inspections by officers of different levels are essential for discipline and efficiency in a prison. Quality and effectiveness of supervision matters much more than mere availability of rigid rules and regulations.

7.4. We were informed in most of the States that the trade union activity had increased considerably among the personnel of the jail department. In some of the States, separate associations have been formed by the jail officials of different ranks. There are also factions in each association.

The increasing trade union activity has considerably undermined the discipline among the jail staff and has brought about deterioration in the performance of their duties. Supervisory officers are often threatened by sections of jail staff when instances of dereliction in duty and negligence on their part are detected. Disobedience of orders and non-compliance of rules and regulations have become a common feature in some of the States. The senior jail officials are afraid of taking any disciplinary action against the subordinate ranks. A number of unions/associations of jail officials enjoy political patronage and support. The links between the unions/associations and the politicians have further emboldened the jail staff who do not hesitate to take a defiant attitude if pulled up for its mistakes, negligence etc. The increasing laxity among the jail personnel in some of the States has also eroded the entire security system of the jail administrations. Instances of escapes from jails are primarily due to negligence, collusion, lethargy, non-compliance of rules and regulations and indiscipline among the jail staff. They are encouraged in this more and more by the increasing trade union activity. The jails are highly sensitive institutions, and as we have mentioned earlier the jail service should be treated as a 'security service' and it is absolutely necessary that the discipline of its personnel should be of a very high order.

7.5. We are strongly of the view that the trade union activity and formation of associations among the jail personnel should be completely banned. Under the Constitution the prisons constitute a state subject but the States have been avoiding to take legislative measures to put a ban on

trade union activity among the prison personnel. We feel that the Central Government should take a lead in this and enact a Parliamentary law to curb at least to some extent the trade union activity among the personnel of the jail service. This can be done by resorting to Article 33 of the Constitution which confers powers on Parliament to modify the fundamental rights in their application "to the forces charged with maintenance of public order". All persons in charge of the maintenance of safety, security or order in prisons are engaged in the maintenance of public order. Also public order includes public safety which can be imperilled if the prison staff do not perform their functions properly. The responsibility for maintaining public order within a prison is <sup>of</sup> the prison staff and as such it should come within the scope of the expression: "the forces charged with maintenance of public order." Thus, the persons charged with the maintenance of prisons would also be covered by Article 33 and a law on the lines of Police Forces (Restrictions of Rights) Act, 1966, can be passed by Parliament to restrict the rights of the prison staff to form associations/unions. At the same time, genuine problems of the jail personnel should be given due attention and there should be proper forum through which the jail officials may be able to ventiate their grievances. Staff Welfare committees with due representation from all sections of staff of the jail should be formed. Also, solutions to the genuine problems of the staff should be found with proper understanding and sympathy.

7.6. Disciplinary action against the jail staff is governed by CCA Rules in various States. The prescribed procedure under these rules is long drawn out and it is not usually possible to take quick and effective action against recalcitrant and negligent officials. There is no scope for summary procedure for quick and deterrent punishments even for minor instances of indiscipline, negligence and carelessness, which is allowed to go unchecked and unpunished adversely affect the efficiency of the prison regime. The disciplinary powers and rules, as applicable to jail officials, should be made more stringent and speedy. We have recommended elsewhere that as the duties and responsibilities of the members of prison service are as difficult and sensitive as those of the police they should be granted pay, allowances and other facilities at par with equivalent ranks in the police. We are, at the same time, strongly of the view that while bringing about parity with the police in matters of emoluments, allowances and other facilities it should also be ensured that the standard of discipline among the members of the jail service is as good and strict, if not better, as in the police. There should, therefore, be separate disciplinary and punishment rules for the jail staff as for the police. The members of the police force in the States are governed by the Police Act, 1861, and the police regulations which provide quicker procedure for disciplinary actions and stringent punishments. There are also separate enactments of similar type for each of the Central police organisations and the Central Industrial Security Force. We are of the view that separate enactments on similar lines.

should be passed for disciplinary control and management of the jail personnel. We are not in a position to recommend any draft of such enactment but we feel that the CRPF Act or the CISF Act can be taken as a model.

7.7. Another reasons which has been undermining the discipline among the personnel of the jail service and which has gradually diluted the authority of supervisory officers to check, control and punish the undesirable elements in the service is the increasing political interference in recruitment, postings, transfers, etc. of the personnel in the jail department. Recruitment in different ranks of the jail personnel is done to a great extent on political considerations. Often the recommendations of the recruitment boards/committees, are not entirely accepted and the performance of a candidate during the selection tests/interviews is not given due weight. At times, appointments are promised or guaranteed before-hand after acceptance of money. New recruits who join the department on the basis of political support or after paying money are less prone to discipline and are bad examples for other staff members. Subordinate jail officials often manage to get orders pertaining to their postings and transfers cancelled or altered with the help of politicians. Interference by politicians makes the jail personnel feel that their career advancement does not depend on the merits of their professional performance but can be secured by currying favour with them. Hence, the energies of many jail officials are directed towards cultivation of politicians all the time at the cost of their

professional work. Interference by the politicians in administrative and service matters of jails results in by-passing of the supervisory officers and the normal chain of command and thereby undermines discipline. It also generates a feeling of cynicism and demoralisation among the senior supervisory levels. So long as such direct or indirect interference in the management, supervision and control of the jail personnel continues there will be nothing but deterioration in the discipline and administration of prisons and many of the ills prevailing in the jails will not only persist but will increase. It is essential that all political patronage and interferences should stop. At the same time, healthy norms should be evolved for interaction between the political leadership in the Government and the jail administration for improving the prison system and for educating the people about its problems.

7.8. One of the basic requirements of sound administration and to check malpractices among the staff members and good discipline is to effect transfers at reasonable intervals. We found that in many States no streamlined policy in regard to transfers and postings of the prison staff of various ranks was being followed. Transfers are being done only when there are serious complaints against some of the officials or they are not found convenient for political reasons. However, rotation of staff only at middle and senior levels is being done to some extent. The warders and head warders, who are primarily responsible for direct handling of the prisoners and who are subject of most of the complaints are being kept



in jails for long periods. In the Union Territory of Delhi in Tihar Jail, which has acquired considered notoriety, there is no scope for transfer of the staff, at all. In most of the States, the prescribed tenure for postings of warder staff in a jail is 5 years but quite often they stay for much longer periods. Besides, their transfers are confined to a group of 'circle' of 5 or 6 prisons not very far from each other. The result is that they manage to come back to the prisons where they had already remained posted for long. Thus, they acquire, 'roots' in prisons of their choice. It is necessary that in larger interests of discipline and efficiency in prisons the officials of all ranks are transferred every 3 years and these transfers should not be to locations/institutions close to places from where the concerned officials are moved. Transfers, no doubt, cause disruption of an officer's family, children's education etc., but in the sensitive institutions of jails, where there is considerable scope for corruption and malpractices, frequent rotation and transfers of staff are essential. Provision of family quarters for all the prison officials at each jail and a well formulated transfer policy about which the staff is kept fully informed will go a long way in mitigating the hardship caused by transfers.

## CHAPTER VIII

### TRAINING OF STAFF

8.1. Training of jail staff of all ranks is of utmost importance not only as a means of ensuring that the tasks undertaken by the prison service are carried out as efficiently as possible but also for giving confidence and self respect to the staff. A qualified, well trained and professional staff is more effective and disciplined than a large number of untrained personnel. Well trained officers can provide good leadership, which is very essential for prison administration, which ensure better performance from their colleagues and subordinates. Administration of jails entrusted to trained and skilled staff is likely to invite less criticism from the public or adverse comments from the courts. Training also encourages a sense of team work between the staff at all levels. Training is now all the more essential because of the need to bring about compatibility between custodial responsibilities and the objective of reformation and rehabilitation. Untrained staff instead of being effective and useful often becomes detrimental to the proper implementation of correctional policies. Such staff is likely to use crude and rough methods for handling the prisoners and for maintaining security and discipline and this may prove counter-productive and create serious control problems and lead to complaints.

8.2. During our visits, we found that in most of the States training has not been given due attention and priority. While the value and importance of training, both basic and refresher, is acknowledged by the States, in practice there has been neglect and indifference. In some States, no training of any type is given, at all, to the prison officials especially those of the warder ranks. Newly recruited warders are made to put on uniform immediately after joining service and guard the jails with .410 muskets with which they have never done any firing practice. In some States training institutions for the jail staff exist but most <sup>of</sup> ~~them~~ are either in disuse or are in such state of neglect that the training imparted there is only for forms sake. The only exception is RICA (Regional Institute of Correctional Administration) at Vellore which has been founded by the four Southern States (Tamil Nadu, Andhra Pradesh, Karnataka and Kerala) for training of officers of the rank of Assistant Jailors and above. We were happy to see that in this Institute training of high standard and on scientific lines was being imparted to the middle level jail officials. For warders training only Tamil Nadu has been running a regular school where a systematic and streamlined training programme is being followed.

8.3. One of the reasons why the jail training institutions, wherever they exist, are in a state of deterioration is non-availability of suitable training personnel due to lack of incentives and essential facilities. Training jobs are not considered important or "lucrative" and jail officials are mostly unwilling to being posted to the training institutions. Thus, most of the posts of trainers in training institutions either remain vacant or are manned by discarded officers. They consider their posting in training institutions as punishment postings and are examples of inefficiency and indiscipline for the trainers. In one State capital where a suitable building for training institution has been provided we found that half of the building had been handed over <sup>to</sup> the police for lodging some sections of its armed men and the other half was being encroached upon by the public. There was only one class room and in a part of it the school sweeper had been made to put up. We also saw that the walls of the training school were full of slogans painted in bold letters by the jail staff association. While the daily hours of training programme were from 6.30 A.M. to 12.30 P.M. The principal came there every day only at 11.00 A.M.

8.4. In order to check the prevailing ills in the jails of our country and to improve their efficiency and discipline and to prepare the staff to respond to the challenges that lie ahead it is essential that .....

the training should be given highest priority. The training should be of two types, namely (i) initial basic training of newly recruited personnel and (ii) subsequent in-service training of the staff. We are of the view that newly recruited jail personnel of different ranks should not be assigned any job or posted to any prison unless they have undergone the foundation course of basic training. Newly recruited personnel if posted <sup>to</sup> jails without training learn the traits of the old hands who might not have received any training and who have little faith in the modern technique of prison work. After the newly recruited officials have worked in the prisons for some time they are usually unwilling to go for training and try to find various excuses for avoiding it.

8.5. For training the jail staff should be divided into the following three categories:

- (i) guarding staff: warders, head warders and chief head warders;
- (ii) middle level officers: assistant jailors, sub-jailors, deputy jailors and jailors; also, assistant superintendents grade II and assistant superintendents grade I; and
- (iii) high level executive officers: deputy superintendents, additional superintendents and superintendents.

As recommended by the Working Group on Prisons (1972-73) and the Mulla Committee, we are of the view that each State should have a separate training school

for the guarding staff 9(i.e. warders and head warders).

As the intake of the middle level officers and higher level executive officers, in each State, is not large, regional training institutions should be established to cater to the needs of a group of States and Union Territories. As regards the locations of these regional institutes - our views are slightly different from those of the Mulla Committee and we recommend that they should be established at the following places:

Location of Regional Institutes      States/Union Territories

- |                               |  |
|-------------------------------|--|
| (i) Vellore (Tamil Nadu)      | Andhra Pradesh, Karnataka, Kerala, Tamil Nadu, Andaman & Nicobar Islands, Pondicherry and Lakshadweep. |
| (ii) Pune (Maharashtra)       | Maharashtra, Gujarat, Madhya Pradesh, Goa, Dadra and Nagar Haveli, and Daman and Diu.                  |
| (iii) Lucknow (Uttar Pradesh) | Rajasthan, Haryana, Himachal Pradesh, Punjab, Jammu & Kashmir, Uttar Pradesh and Delhi.                |
| (iv) Hazaribagh (Bihar)       | West Bengal, Orissa, Bihar and Sikkim.   |
| (v) Shillong (Meghalaya)      | Assam, Meghalaya, Tripura, Manipur, Nagaland, Mizoram and Arunachal Pradesh.                           |

The Regional Institute of Correctional Administration which has been jointly established at Vellore by the four Southern States of Andhra Pradesh, Karnataka, Kerala and Tamil Nadu and which is headed by an officer of the rank of I.G. Prisons is functioning on sound lines. The regional training institutes at four other places viz. Pune, Lucknow, Hazaribagh and Shillong may be established on the same lines.

The regional institute should organise training for officers of the prison, probation officers, Borstal school, welfare and others involved in the larger field of prevention of crime and treatment of offenders. It should also organise courses for training of trainers. We agree with the recommendations of the Mulla Committee on the broad outline of a regional institute as given in Annexure XXIV-E to Chapter XXIV of its Report.

8.6. The basic training of the jail staff of each of the three categories (i.e. guarding staff, middle level officers and higher level executive officers) should consist of both indoor and outdoor training. The outdoor training should have a considerable quantum of drill, musketry, physical training, unarmed combat, including judo and karate, as indicated in Appendix-I of the Model Prison Manual. In our view, the syllabus of outdoor training for guarding staff should be, more or less, the same as that prescribed for constables and head constables in the police. Similarly, for the middle-level officers and higher level executive officers of the Jail Department, the outdoor training programme should almost be similar as that for the officers of corresponding ranks in the police. It should be highly rigorous and organised under strict and rigid discipline as is done in the training institutions of the police or the armed forces. We do not accept the argument that since the personnel of the Jail are not required to do parades or outdoor duties to the same extent as the police, it is not necessary to prescribe for them as elaborate outdoor training

as that for police personnel. Rigorous training in drill, physical training, mustetry etc. on the parade ground instils the following qualities which are important for the personnel of jail service as well as those of the police:-

- (i) strong discipline;
- (ii) proper turn-out;
- (iii) self-confidence;
- (iv) esprit-de-corps; and
- (v) obedience to the orders of seniors and paying proper compliments to them.

8.7. As regards indoor programme of training, we are generally in agreement with the syllabus as suggested in Appendix I of the Model Prison Manual and Annexures XXIV-D and XXIV-E of Chapter XXIV of the Mulla Committee report. The syllabus should, however, be periodically reviewed. We also recommend that it should include some lectures on the following subjects:- सत्यमेव जयते

- (a) control and discipline of inmates; identification of difficult prisoners; factors which lead to indiscipline among the prisoners; diagnosis of the possibility of disturbance by the inmates and measures which should be taken to control difficult prisoners;
- (b) importance of proper inter-action between the staff and the prisoners; value of human and sympathetic but firm behaviour; need for relaxed relationship with the prisoners;



(c) correlation between security and discipline  
on the one side and treatment programmes  
for reformation and rehabilitation on the other.

8.8. We have recommended above that there should be a training school for the guarding staff in each State and regional training institutes should be established for jail personnel of middle level and higher ranks. Even if the States decide to give training the high priority it deserves creation of these training institutions and streamlining and improving the existing ones is likely to take some time due to financial constraints. At the same time, it would be most inadvisable to postpone or delay the training of the jail personnel any further. Till the States are in a position to establish regional and state training institutes and mobilise resources for improving the existing jail training schools, we recommend that arrangements for training of jail personnel of different ranks should be made in the training institutions meant for the police officials of corresponding ranks. The standard of training in most of the police <sup>training</sup> institutions is quite high and they function in an environment of strict discipline. For outdoor training the syllabus for the jail personnel and policemen would almost be the same. For indoor classes for the jail personnel a few officers of the jail department, who are known for efficiency and who have a flair for imparting training, can be posted in the concerned police training institution. These trainers from the jail department should function under the operational control of the head of the police training institution. The jail department should meet the

expenses for training of its personnel in the police training institution. Through this arrangement it should be possible to start training of the jail personnel expeditiously. Before the jail personnel are sent for training to the police training institutions they should be fully equipped with uniform and other items.

8.9. It has been noticed that the training staff posted in the jail training institutions mostly consists of officers who are unwilling workers and who are found unfit in various prison establishments. Such persons can hardly do justice to the important matter of training. In a training institution only such personnel should be posted as trainers who have an aptitude for training and teaching and who are known for their efficiency and character. Posting in a training institution should be considered as a special qualification. Members of the training staff should be given adequate incentives. Free living accommodation for all of them should be provided in the campus of the training institution so that they can supervise and guide the training programmes at all hours of the day, and there is scope for personal inter-action between the trainees and the trainers.

8.10. Training is a continuous and ongoing process. Besides the basic course which should be undergone by each new entrant in the jail service before his posting in any institution, the following types of training courses for the prison officials should also be arranged:

- (i) refresher training after 5 years of service;

- (ii) pre-promotion training for promotion to higher ranks;
- (iii) orientation and security training of those who do not belong to prison service but are assigned duties and responsibilities in the prison, like the doctors, psychiatrists, probation officers, welfare officers etc;
- (iv) training of trainers: for this purpose, special course on methods of instruction as well as new developments in the field should be arranged or in the national training institute in the regional training institutes. If it is established;
- (v) special courses on security and discipline should be organised frequently; various techniques and methods for security discipline and control should be explained and discussed at these courses; case studies of incidents of escapes, riots, indiscipline and the reasons for failure in preventing them should form part of these courses.

We also agree that the other recommendations pertaining to training made in the Model Prison Manual and by the Working Group on Prisons (1972-73) and the Mulla Committee in Chapter XXIV of its report.

8.11. Each prison has problems which are peculiar to it and are different from other institutions. For newly posted officials briefing courses should be organised in each prison. In addition to this, if possible, periodic staff briefing/discussions sessions should be organised in each prison and should be attended by as many officials of different ranks as possible. At these sessions the personnel of different ranks should be allowed to explain and discuss freely their experience and problems faced by them. Possible solutions to these

problems should also be discussed. Departmental and court orders should be explained to the staff at these sessions. Talks on some specific subjects relating to prison management, security and discipline by one or two officers of the prison may also be arranged at such in-service discussion sessions.

8.12. Quite often, the personnel of the jail service nominated for training courses are not relieved by the heads of the concerned institutions, since their absence adds to staff shortage and creates administrative problems. Personnel nominated for training courses should be sent for them without fail, unless there are very strong reasons for not doing so. In view of the high importance of training, it is essential that adequate training reserve for each rank of prison service personnel should be provided in each institution. Often the personnel deputed for training courses avoid attending them on some excuse or the other. Strict disciplinary action should be taken against them. Participation in training should be linked with service benefits as grants of increments, promotions, crossing of efficiency bar etc.

8.13. One of the basic functions of a jail training institutions is to inculcate a strict sense of discipline among the trainees. Hence, the atmosphere in the training institute should always be of high discipline and considerable regimentation would be necessary in this connection. The turn out of the staff as well as the trainees should throughout be smart and correct. During free time and in the hostels, also, strict discipline should be ensured. At the same time, there should be close inter-action between the staff and the trainees and a helpful attitude should be adopted in guiding and assisting the 'trainees wherever necessary'.

## CHAPTER IX

### CORRUPTION AND MALPRACTICES.

9.1. The Indian jails have earned the reputation of being centres of corruption and malpractices. During our visits to the jails in various States the prison officials admitted that there was a lot of corruption prevailing among the jail staff, especially at the lower levels. The public impression is that the members of the prison staff are generally unsympathetic towards the prisoners and they exploit them for their personal gains. Sometimes, hardened criminals are used to extort money from prisoners belonging to well-to-do families. Most of the prisoners are generally afraid of making complaints to prison authorities. The following features provide scope for corruption in the prisons:-

- (i) Prisons are closed institutions. Some price is charged for divulging any information.
- (ii) Accepting money from visitors for granting interviews or allowing unauthorised interviews.
- (iii) Delaying tactics on flimsy grounds to release undertrial prisoners whose release orders have been issued by the courts.
- (iv) Providing special facilities and prohibited articles such as intoxicants and drugs to the inmates inside the prison contrary to the rules.
- (v) Promoting of prisoners to the grade of convict officers.
- (vi) Extortion of money under threat from prisoners who come from well-to-do families.

- (vii) Putting prisoners in fetters or for their removal.
- (viii) Work assignment or allotment of barracks.
- (ix) Alloting duties and keeping certain prisoners on such jobs which command respect amongst other prisoners, such as duties in main gate, hospital, stores etc.
- (x) For giving better food or getting cooked food from outside.
- (xi) For admitting inmates in the jail hospital, and providing special diet on medical grounds or for referring the prisoners to hospitals outside the prisons for getting them admitted in civil hospital.
- (xii) Helping in unauthorised communication with friends and relatives of prisoners.
- (xiii) Use of powers in awarding parole and special remission to convicted prisoners for early release.
- (xiv) Recommendation for premature release.
- (xv) Purchase of inferior quality rations and other materials and that, too, at higher rates.
- (xvi) Short supply of various commodities from suppliers
- (xvii) Deduction in quantities of ration and clothing and smuggling the excess out of the jail for personal use or sale.
- (xviii) Pilferage of costly medicines.
- (xix) Use of sub-standard materials in repairs of jail buildings.

(xx) Retaining of long-termers or lifers in such jails where they should not be kept.

(xxi) Theft of agricultural and industrial produce.

9.2. Corruption is prevalent in other branches of administration, also, but its gravity becomes more if it is related to helpless creatures confined within the high walls of prison. Also, a corrupt jail official is likely to be slack and negligent in his duties and in enforcement of prison rules and regulations which are so vital for security and discipline. He would also not be fair in his treatment of prisoners and would be inclined to show favours or be soft towards those prisoners from whom he has taken money or whose services he has used for some undesirable action.

9.3. The basic responsibility for ensuring honesty among the personnel of prison service and checking the undesirable practices should rest on the supervisory levels in the service. Most of these malpractices can be substantially reduced by a system of surprise checks and inspections and an effective supervision that matters much more than mere availability of rules and regulations governing the jail administration.

9.4. One of the main reasons for prevailing corruption and malpractices is that the punishment mechanism in the prison service has become very ineffective. The procedure for disciplinary action as prescribed by CCA Rules, which govern the conduct of jail staff, is highly dilatory and it is usually difficult to take action against the personnels of prison service. This encourages the feeling that one can get away with corruption

if one can manage to protract an inquiry on some ground or the other. Unless disciplinary action is quick and severe its deterrent effect will not be felt by the corrupt elements. The personnel of the jail department constitute a sort of security service, where high standard of discipline, integrity and faithful performance of duties is essential.

It is, therefore, necessary to prescribe for them disciplinary rules different than those applicable to other civil services but akin to those of police or para-military forces. Simultaneously, an adequate system of rewards and recognition for those who display high standard of integrity and performance should be introduced. We found that in many States there was no system of rewarding jail officials who displayed high level of honesty and instance of good work.

9.5. In some of the States, trade Union activity among the members of the jail staff has increased so much that their associations/unions support the corrupt officials and interfere in disciplinary action initiated by the supervisory officers. As we have recommended elsewhere trade union activity in the prison service, whose duties are of highly sensitive nature, should be statutorily banned.

9.6. Another reason why it is not often possible to take action against corrupt jail officials is that they manage to acquire political contacts and there is often political intervention on their behalf whenever any action is taken



to punish them. Even in postings and transfer of corrupt elements there is increasing political interference. It is essential that the jail system should be completely insulated from political interference.

9.7. Some officers of the jail department acquire a reputation of corruption by their continued dishonest practices over a long time but they escape punishment for want of satisfactory evidence to establish any specific charge against them. We recommend that the provisions for compulsory retirement after completion of 20 years of service should be resorted to without hesitation. As far as these officers are concerned evidence regarding unsavoury reputation about their integrity should be assessed by a suitably constituted high level committee by the I.G. Prisons whose satisfaction on the adequacy of material should be accepted and acted upon.

9.8. We also recommend that in extreme cases of officers with corrupt reputation, where the stipulated minimum number of years of service has not been crossed, action for weeding out such officers should be taken under Article 311(2)(c) of the Constitution.

9.9. There should also be a constant liaison, inter-action and exchange of information between I.G. Prisons and the head of the State Anti-Corruption Bureau to identify jail officers of doubtful integrity to plan joint action and to collect intelligence for their corrupt activities.

9.10. We also learnt during our visits to the States that large bribes were taken at the time of selection of recruits to the jail department at different levels. Persons who join

jail service after paying heavy prices can hardly be expected to remain honest. It is, therefore, very important that highest standards of honesty and straight forward dealings are maintained at the time of recruitment and training. We recommend that adequate procedures for recruitment of jail personnel at different levels should be evolved by the I.G. Prisons in consultation with the State Government.

9.11. The following other steps should be taken to control corruption and malpractices in the prisons:

- (i) Arrangements should be made for proper training and motivation of prison staff.
- (ii) There should be selection of right personnel and improvement in the service conditions of the jail staff including the pay scales and promotional prospects.
- (iii) The entire custodial staff should be provided staff quarters in the jail campus so that it has minimum contacts with the public or criminals outside prison.
- (iv) An effective system should be evolved for hearing and expeditious disposal of complaints of the prisoners. Complaint boxes may be installed at prominent places outside the prison and inside it.
- (v) Welfare officers should be posted in the prisons and they should be available outside the prisons at the time of interviews and also at the time of releases. They should be charged with the responsibility of ensuring the welfare of the prisoners in all respects.

- (vi) If the prison administration feels that an interview cannot be allowed it should record the reasons.
- (vii) No staff members should be allowed to continue at one jail for more than 3 years.
- (viii) The custodial staff and staff entrusted with security should not be allowed to continue on any duty point for more than two months.
- (ix) Usually there is only one officer known as gate keeper posted at the jail gate and he is not effective in taking searches of persons coming in and going out of the prison. A whole-time security officer of the rank of a Jailor or Deputy Jailor, assisted by Assistant Security Officers should be posted at the jail gate round the clock. Besides maintaining strict vigilance they should ensure thorough searches of guarding staff and the prisoners going out or entering the jail and checking of articles being brought in the jail or taken out of it.
- (x) Jail hospitals should be well equipped so that there is no necessity of sending any patient (prisoner) outside the prison. The Chief Medical Officer of the district should be asked to visit every jail hospital. at least once a month and all prisoners should be paraded before him so that complaints about inadequate medical attention are looked into.

- (xi) Purchases should, as far as possible, be centralised and made from public undertakings so as to minimise scope of corruption.
- (xii) There should be clear-cut instructions about the use of fetters and a uniform policy should be followed by all the jails.
- (xiii) Allotment of work and barracks should be done by a senior officer of the rank of at least a jailor.
- (xiv) A streamlined and fair procedure should be evolved regarding award of punishments to the prisoners.
- (xv) Proper and complete records about punishments awarded to the prisoners and good work done by them should be maintained. This will help in objective decisions about awarding remissions or recommending pre-mature releases.
- (xvi) As far as possible, community participation of prisoners should be ensured in some aspects of prison management such as hygiene, sanitation, food preparation and distribution.
- (xvii) If a prisoner cannot be released on account of some reason, when the release is due, he should be informed about it and this should also be displayed on the notice board outside the jail for the information of his relations or friends who may come to receive him.
- (xviii) The practice of appointing convict officers should be stopped in due course.
- (xix) Such prisoners who are moneyed or influential and have local links should be shifted to other jails as far as possible. If necessary, they

## CHAPTER X CONVICT OFFICERS

10.1. The system of convict officers dates prior to 1900. It was, perhaps, started as a measure of economy against having additional posts for performing certain tasks of prison administration capable of being entrusted to convicts. To an extent the system envisages compensation and status within the hierarchy of prisoners based on demonstrably good conduct and other conditions. However, it presently seems to have acquired some undesirable features.

10.2. Various State Governments have laid down rules/ guidelines governing their selection, appointments, duties/ privileges etc., and their main features are:

- (i) There are three types of convict officers:
  - (a) convict night watchmen,
  - (b) convict overseers,
  - (c) convict warders.
- (ii) Their number should not normally exceed 10% of the average population of the prison.
- (iii) They are eligible for monetary benefit (or gratuity) at very nominal rates ranging from 25 paise to Rs.1 per day.
- (iv) They wear badges/caps which distinguish them from other convicts.

- (v) They should have completed a minimum sentence, having unblemished conduct in prison and should not have been sentenced for specified offences nor should be habitual offenders, apart from being physically and otherwise fit for assigned tasks.
- (vi) They enjoy certain privileges in matters of diet, messing, interviews, correspondence, remissions etc.
- (vii) Broadly, the prescribed duties of the convict officers range from maintaining watch, patrolling, supervising and escorting prisoners, reporting any shortcomings/violations of rules to jail authorities and tasks specifically assigned.

10.3. With the decline in prison population, particularly in the category of convicts, manifold increase in functions of prison administration with regular staff not keeping pace with requirements, in practice convict officers are even doing work not originally intended from them. With shrinkage in convict population, even basic norms for their appointments are being liberally relaxed to provide for the much needed manpower.

10.4. Sometimes, the convict officers are assigned administrative, supervisory and disciplinary responsibilities

vis-a-vis other inmates. They are often given independent charge of gangs of prisoners. Their position, thus, assumes authority which is often misused and also encourages several malpractices. Not infrequently they act as go-between/ carriers for unauthorised information and articles, including drugs, currency, etc. It is likely that in some of the jails the convict officers may have become more like 'dadas', officially appointed, at times, even out of favouritism. The warder staff personnel use the convict officers as their Lieutenants and sometimes even entrust some of their own responsibilities to them. They, thus, start depending too much on them and often neglect their own duties. In some of the jails the convict officers are being used even for ministerial work, and they have access to various records in the prison office. Too much dependence on convict officers often leads to complacency in regard to security.

10.5. Some of the reasons we came across being advanced in favour of the system are:

- (a) There is acute shortage of staff and the convict officers provide additional manpower. Their replacement by regular staff would be expensive.

- (b) In times of crisis like riots, they are more dependable even than the regular staff and help in controlling critical situation. They have a better hold and command obedience of other fellow prisoners.
- (c) They are useful as informers and pass on valuable intelligence to prison authorities.
- (d) Even if abolished, certain duties would still require to be done by convicts, e.g. counting and maintaining order within barracks after lock up.
- (e) The system encourages and is an incentive for exemplary conduct which paves way for better outside life.

Much of the stated merit stems from the fact that over the years, there has been considerable indiscipline, at times, bordering on insubordination among lower regular staff with the result that often the supervisory prison officials place greater reliance on convict officers compared to permanent staff. This cannot be accepted as adequate reason to perpetuate the existing system. Their value as informers is limited by the fact that they are marked by official approval.

10.6. The Indian Jails Committee as early as 1920 rejected the ideas of "excessive employment of convict officers".

Based on the consensus at the conference of Chief Secretaries



in 1979, the Government of India suggested to the State Governments to abolish the system of convict officers in a phased manner. The Mulla Committee also observed that the institution of convict officers only helps in perpetuating nefarious and objectionable activities. It recommended that the system should be replaced by paid staff over a period of five years. However, nothing has been done by the State Governments and the Union Territories in this respect so far.

10.7. After visiting several prisons and holding discussions we broadly agree with the Mulla Committee's views on the system of convict officers. The system may be useful in some ways, but it has many disadvantages. The apparent positive aspects of the system, viz., availability of additional hands to supplement the already inadequate staff and for some trusted convicts to deal with difficult prisoners has many undesirable features underneath. So long as the system prevails, the convict officers would continue to perform duties beyond their assigned scope and would be undesirable influence on other prisoners and even on some sections of regular staff. The system tends to dilute the sense of responsibility of the regular staff. The emerging trend of greater confidence being reposed in convict officers compared to regular staff is fraught with long-term adverse consequences on prison administration.

We also feel that those convicts who deserve such confidence in them, on merit, would be better off in open institutions. Perpetuating the system merely to defer sanction of additional consequential posts is compromising the twin purposes of safe custody and reform of prisoners.

10.7. The following are our recommendations:

- (i) The system of convict officers should be abolished with immediate effect in special security prisons and in jails in major metropolitan cities where influential/COFEPOSA detainees are lodged. Additional staff should be provided in place of convict officers.
- (ii) In other prisons, the system of convict officers should be abolished in a phased manner in the next five years and concrete measures in this direction should be initiated all over the country from a fixed date. Corresponding increase in the staff should be made.
- (iii) Pending abolition of this system, no independent administrative, supervisory or disciplinary function should be entrusted to the convict officers. The convict officers may at best be

used to assist the regular staff as auxiliaries with the exclusive responsibilities of the functions squarely resting with the regular staff. No independent charge of other convicts should be entrusted to convict officers.

- (iv) Incentives for exemplary conduct to the prisoners may be continued to be given in other forms like better diet, more freedom and pecuniary benefits but not in the form of sharing administrative authority with the convicts.
- (v) All convicts after completing a special period of sentence, otherwise found suitable, may be assigned, by rotation, certain duties of non-supervisory and non-administrative nature, including keeping watch over other inmates in barracks/dormitories after lock-up.

## CHAPTER XI

### RECEPTION AND CLASSIFICATION OF PRISONERS

11.1. During our visits to the States we found that the officers working in the prisons were vague in their minds about the term 'classification' of prisoners. They were also confused as to how classification was to be done in view of lack of resources, staff and accommodation in their institutions.

11.2. Prisons are meant to house a large number of offenders who have been charged with or convicted for various types of crimes. Among the prisoners there are a number of persons who are hardened, aggressive and troublesome criminals. Some are difficult and incorrigible and pose serious problems of indiscipline. There are also prisoners who through their sophistication, intrigues and capacity to subvert other inmates are capable of vitiating the atmosphere of the prison. At the same time, a majority of prisoners are not dangerous or troublesome. Many are first offenders and require to be kept away from the influence of old, hardened and habitual criminals. Among all these inmates there are many who can be reformed and rehabilitated during their stay in the prisons through prescription of suitable correctional programmes. It is obvious that the management of a large body of such disparate prisoners, whether from the point of view of security and discipline, or of reformation and rehabilitation, cannot be done unless

they are divided and segregated into smaller groups. Division or segregation of prisoners into smaller group can be done either in a haphazard manner, and when they are received, or a systematic approach can be adopted for the purpose. Classification is a process of placing things into groups or classes according to some idea or plan. Classification of prisoners divides them into specific classes to facilitate their ultimate social rehabilitation.

11.3. As pointed out by the Mulla Committee in Chapter IX of its report, the prisoners in our country have so far been broadly classified on the following basis:

- (a) Sex : into men and women,
- (b) age : into children, young offenders, adults and old;
- (c) the law under which confined: into civil prisoners, criminal prisoners, detainees prisoners under court martial, non-criminal lunatics, inmates under protective custody and inmates confined under preventive sections of the Code of Criminal Procedure (sections 107, 109 and 110);
- (d) stage of investigation and trial: into remand prisoners and undertrial prisoners;
- (e) nature of sentence: into prisoners sentenced to simple imprisonment, prisoners sentenced to rigorous imprisonment, prisoners sentenced

to short, medium or long terms of imprisonment, prisoners sentenced to life imprisonment and prisoners sentenced to death;

(f) criminal antecedents: into casual and habitual prisoners;

(g) disease or infirmity: into criminal lunatics, lepers, T.B. patients and the like.

11.4. Segregation in our jails on the basis of classification on the above lines is far from complete. Only women, young offenders, criminal lunatics and prisoners suffering with infectious diseases are kept in separate wards/cells. Prisoners of better socio-economic background are also lodged separately from others. The rest of the prisoners are huddled together in large barrack/dormitories. Also, the so called classification hitherto done in our jails is confined to convicts and there is no scientific and systematic method of classifying or segregating into smaller groups the undertrials whose population is higher than that of convicts. We are of the view that classification i.e. division of prisoners into smaller and homogeneous groups, according to a scientific plan, should not be confined only to the convicts but there should be classification of all inmates, whether undertrials, convicts or detainees. The objective of classification should be not only to prescribe and pursue individualised treatment programmes for reformation and rehabilitation of inmates, but also to ensure effective management from the angle of security and discipline.

11.5. A prisoner should not be classified merely by his physical appearance or by the nature of the crime committed by him or the information/data, if any, furnished by the police about his activities. It is necessary to know and understand, as thoroughly as possible, each prisoner as an individual, soon after his admission. An in-depth study of his total personality is required. Personality means the whole background of the prisoner, i.e. his entire life history, and what he thinks, feels and acts by natural instinct and by habit of social conditioning. Hence, it is essential that each prisoner should be studied separately by a team consisting of experienced jail officials and of experts like psychiatrists, psychologists, trained social workers and medical officers. The officer in-charge of industries, education and vocational training should also join this team which should be called the Classification Committee.

11.6. Each special security and central or district prison should have a reception ward where every new prisoner should be kept for examination by the classification committee. The reception ward should have two separate barracks for undertrials and convicts. The process of diagnostic study of newly admitted prisoners, lodged in the reception ward, by the classification committee may take a few weeks. The classification committee should study all the documents received from the police and the courts about the prisoner and interview him in a thorough, sympathetic and placid manner as to elicit maximum information from him. In

sub-jails where professional staff of experts like psychiatrists and psychologists would not be available and where the inmates will be mostly undertrials the classification committee should consist of the jail superintendent and the local medical officer and they should jointly interview and screen each prisoner and make recommendations about his categorisation.

11.7. The recommendations of the classification committee should broadly fall under two heads: (a) classification in respect of security and control, and (b) classification from the point of view of correction, reformation and rehabilitation. After studying a prisoner, in detail, and making its assessment the classification committee should make recommendations on the following points in regard to his needs:-

- (i) cell or ward placement; recommendation about transfer to another institution, if necessary;
- (ii) aptitude for work and work assignment;
- (iii) health requirements; drug addiction;
- (iv) individual problems like family welfare, family contacts, economic problems, land litigation, legal help, aid;
- (v) type of inmates with whom he should associate and who may aid him in recreation and reformation and developing of attitudes on proper lines;



- (vi) type of supervision and guidance needed by qualified personnel;
- (vii) types of periodic counselling;
- (viii) date of re-classification.

11.8. The classification committee should make recommendations about categorisation of each prisoner on the following lines, in the context of security and discipline:

- (i) high security risks and escape risks;
- (ii) habitual offender;
- (iii) first offender;
- (iv) hardened and dangerous prisoner;
- (v) difficult and incorrigible type;
- (vi) aggressive or bully or violent type;
- (vii) intriguer;
- (viii) likely to exercise subversive influence.

NOTE: Initial assessment by the classification committee in regard to the above points should be followed up by constant watch and observation by the prison staff as many of these proclivities may come to light later.

11.9. The first step after the classification committee has given its recommendations about each prisoner should be to do proper segregation. The ideal arrangement would be to place each man in a separate cell or room. This is, however, not possible in our prisons where housing arrangements are generally on the basis of keeping together large number of prisoners in big barracks/dormitories. The best solution

in the present circumstances lies in dividing the existing barracks into smaller rooms by raising partition walls to keep smaller group of 10-12- prisoners. Arrangements for segregation at least to this limited extent are very essential for any effective programme of correction and reformation and for better security and discipline.

11.10. The Mulla Committee had stated that diversification of institutions and scientific classification of prisoners were closely inter-linked. As far as closed institutions were concerned, the Mulla Committee recommended (vide para 9.7.6 of Chapter IX of its report) the creation of separate prisons of following types:

- (i) for undertrial prisoners;
- (ii) for women prisoners;
- (iii) separate camps for persons courting arrest during non-violent socio-political-economic agitations;
- (iv) for young offenders;
- (v) maximum security prisons;
- (vi) special security prisons.

The Committee also recommended the creation of separate wards/annexes for some other categories of prisoners. We generally agree with these recommendations. But, as we have commented separately, in view of acute financial stringency, construction of a large number of new institutions may not be possible for many years to come.

As we have recommended priority should be given to construction of separate institutions at places where there is extreme overcrowding in the existing jails and there is no scope for expansion. Also creation of separate jails for young offenders and special security prisoners and, wherever necessary, establishment of separate camps for non-violent agitators, who court arrests for political or other public issues, would need high priority. For other categories of inmates - both convicts and unconvicted prisoners, separate wards/annexes should be built in the existing jails and steps should be taken for alteration and changes in the present accommodation in various prisons for bringing about maximum possible segregation of prisoners.

11.11. Segregation of prisoners on the basis of recommendations of the classification committee would help in improving security and discipline in the prisons provided adequate and well-trained staff is also made available and it exercises constant alertness and vigilance and is effectively supervised by the senior officers of the prison. As far as the process of reformation and rehabilitation of the prisoners is concerned, scientific classification and segregation are only the initial steps. Nothing much is likely to be achieved from that angle if the prisoners are only separated and segregated into small groups and are kept idle. Adequate resources and facilities for organising individualised treatment programmes for each prisoner will have to be provided. Constant monitoring of the progress of each prisoner in respect of treatment programme devised for him will also be necessary.

11.12. In Chapter IX of its report the Mulla Committee has also explained the difference between the 'socially conditioned' criminals and the 'individualised' criminals and the damaging influence the former are capable of creating in a prison. The Mulla Committee has recommended the need for identifying these two categories of offenders and segregating them in the jails. We fully agree with this recommendation.

11.13. Chapter XIX of The Model Prison Manual and Chapter IX of the report of the Working Group on Prisons (1972-73) explain in detail the procedure which should be adopted for classification of the prisoners in the jails. Also, in Annexure D, E and F to Chapter IX of its report the Mulla Committee has suggested specific forms for history sheet, initial classification sheet and progress report which may be adopted by the classification committees. We generally agree with all <sup>these</sup> recommendations.

CHAPTER XII

DISCIPLINE OF INMATES

12.1. Firm discipline is a basic necessity in all fields of prison activity. Discipline is essential for the desired safety and security in the prison. Only by enforcing strict discipline the prison officials can ensure the degree of safety needed in the institution. Discipline is also necessary for smooth and efficient operation of the prison. There must be respect for authority if prison is to function efficiently. Also, discipline in itself is an element of reform and correctional programmes can be undertaken and pursued only in an atmosphere of strict discipline.

12.2. A majority of inmates lodged in a prison get resigned to the fate which has befallen them and accept the prison life and its regimentation in a quiet and submissive manner. The number of inmates who are difficult or violent or have potential of creating disruptive influence is usually small. Similarly, excluding terrorists and other highly motivated extremists there are not many prisoners who are always determined to escape and would make a bid for it whenever they get an opportunity. However, even those inmates who are generally docile and submissive may in certain circumstances reach the limit of their patience and indulge in acts of indiscipline and disruption. Some of the factors which may instigate the prisoners to indulge in such activities are :-

- (a) Conditions of excessive over-crowding in the housing accommodation. This generates hostility against the jail regime. It also creates tension among the inmates and there are often serious quarrels over small incidents.
- (b) Bad living conditions especially connected with sanitary services, toilet facilities, water supply, lighting arrangements etc.
- (c) Denial of what the prisoners consider as their basic rights like interviews, contact with legal advisers, presentation in courts on due dates.
- (d) Frustration and unhappiness caused by non-availability of documents, like copies of charge sheets to which the inmates are entitled, and delays in trials.
- (e) Technique of inmate management by the prison regime; harsh and inhuman behaviour of prison staff; favouritism, lack of impartiality and sympathy.
- (f) Conditions of continuous idleness and non-employment in any work - the inmate is all the time brooding over his deprivations and frustrations.
- (g) Practice followed by the prison regime in charging inmates with disciplinary problems.
- (h) Presence of potentially subversive prisoners and those who are likely to respond to subversive influence.
- (i) Possibility of members of a gang getting together and thereby increase scope for conspiracy to create trouble or escape.

A prisoner should normally avoid creating a situation which may bring forth the wrath of the prison regime against him. However, a stage may be reached when the degree of his antagonism due to various circumstances become so high that he is prepared to risk punishment and then he indulges in acts of indiscipline or aggressive behaviour. The prisoners have come to notice for indulging in the following acts of indiscipline and defiance of authority:-

(i) Passive: (a) Prisoners refusing to accept meals.

(b) Refusing to work.

(c) Refusing to leave the exercise yard.

These acts are mainly to re-inforce their complaints about the prison conditions.

(ii) Outburst of hostility towards the staff: (a) Threats.  
(b) Misbehaviour.  
(c) Assaults.

(d) Demonstration after lock-up and damage to prison property.

(iii) Fights among groups of prisoners.

(iv) Incidents of roof or tree climbing.

(v) Hostage incidents: (a) Other inmates held as hostage.  
(b) Members of staff held as hostage.

(vi) Collective defiance of authority including riots.

12.3. For proper control and discipline among the prisoners the endeavours of the prison officials should on a continuing basis be directed :-

- (i) to know the mood, temper and the feelings of the inmates; to know the degree of tension and alienation;
- (ii) to locate the causes which create serious dissatisfaction and alienation among the inmates and take quick action;
- (iii) to take prompt measures to remove genuine grievances of prisoners;
- (iv) to avoid revengeful attitude, retributive action and brutality;
- (v) to be humane, sympathetic, fair but firm;
- (vi) to avoid favouritism and appeasement of inmates or giving undue concessions or favour to selected prisoners;
- (vii) to keep inmates into smaller groups;
- (viii) to identify and segregate inmates who are violent, aggressive or bully type; those who belong to the same gang and those who are potentially subversive prisoners; prisoners who have committed serious crimes or who require high security may not always present control and discipline problems;
- (ix) to offer a range of constructive activities for keeping the inmates busy according to individual needs and abilities;



- (x) to make it clear to the inmates that while the staff would try its best to look into their genuine grievances and welfare, within its limitations, it would take determined and quick action against disorder, indiscipline and misconduct;
- (xi) to encourage prison discipline through rewards and positive incentives in a fair manner; develop a progressive 'Stage System' as recommended by the Mulla Committee vide para 8.23 of Chapter VIII of its report;
- (xii) to take effective action to prevent smuggling of opium, drugs, liquor and other contraband which often take place with the connivance of the staff;
- (xiii) to give prisoners suitable opportunity to explain their case in regard to the allegations made against them.

12.4. The inmates in most of the prisons are being kept together in big dormitories/barracks. Even if there is no over-crowding in these dormitories/barracks, association of a large number of inmates provides opportunity to plan and conspire to indulge in acts of indiscipline and create disorder. The inmates should, therefore, be kept in as small groups as possible. We have recommended that living accommodation in new buildings to be constructed in future should be planned on this basis. Even in the existing buildings, the barracks should be divided into smaller rooms by raising partition walls.

12.5. Identification of inmates who are violent and aggressive type and of potentially subversive prisoners can be done only through constant alertness and vigilance on the part of the jail staff. Troublesome character of a prisoner has usually little relation with the nature of his crime or the length of his sentence. Many prisoners charged with heinous crimes or awarded long sentences have been found to pose no control and discipline problems. Initial assessment of each inmate on individual basis, through examination of information received from courts and the police and interviews by the Classification Committee, may help in knowing to some extent the disruptive character of an inmate and segregation at the time of admission can be done accordingly but it is only through constantly keeping a finger over the pulse of inmate body and knowing, studying and observing individual inmates that it would be possible to know as to who are problem prisoners from the angle of control and discipline. There should be no relaxation in efforts towards acquiring knowledge relating to the mood, temper and feelings of inmates and monitoring the same. Unfortunately, the prison staff pays no attention to this vital aspect of its responsibility. They depend mostly on convict officers in this connection. The convict officers are known to the inmates as the men of the administration. Their dependability cannot always be guaranteed. Since some of them stay in barracks/dormitories with the inmates they may come to know to some extent, the dissatisfaction among the prisoners about the living conditions/facilities or general behaviour of the staff, but there would be little possibility of their

obtaining information about plans or designs to cause any disturbance. Only greater inter-action and close contact with the inmates and knowledge about each one of them on individual basis can help. Through frequent direct contact with the inmates it may be often possible to defuse the potential problems before they become serious. At present, our jail staff does not have appreciation of the value of this approach because of their poor strength as to allow adequate inter-action with the inmates, and their complete orientation towards custodial responsibilities. Wherever there is any direct inter-action by the prison staff with the inmates it is for achieving some undesirable ends. Special emphasis on this aspect of work during training of all ranks of jail officials and increase in their strength, both at the warder level and in the middle supervisory ranks, is essential.

12.6. The responsibility for maintaining discipline and control among the prisoners has been left entirely to the local officials of the jail by the concerned State Government and the senior officials of the jail department. A number of problems like over-crowding, bad living conditions, absence of basic facilities, which often lead to disturbances or incidents of discipline in jails, are beyond the capacity and resources of local jail administration to solve. Similarly, non-presentation of an inmate in the court on the date of hearing of his case due to non-arrival of police escort or frequent adjournments of his case, even though he is brought to the court, and lack of attention by the doctors when he is taken to the hospital for specialist treatment add to his mental torture and have

cumulative effect of accretion to his dissatisfaction and frustration. The jail officials realise the genuineness of these grievances and complaints of the inmates but feel helpless and they tend to adopt an attitude of cynicism, indifference and callousness. The staff at their disposal is not only inadequate but poorly trained and ill equipped. Since they are anxious to avoid the possibility of any serious situation in their prisons they often adopt measures which from the beginning are suppressive and oppressive.

12.7. Strict discipline among the inmates is absolutely essential not only from the point of view of efficient working of the prison and to ensure safety and security of the prisoners but also to undertake correctional programmes for reformation and rehabilitation. The prison administration should try to impose discipline among inmates through humane decent and fair treatment and attending to their genuine grievances as promptly as possible. The prisoner should also be ensured all the rights and privileges admissible to him under the law and the jail manual. There should be a constant endeavour to secure prisoners' cooperation for ensuring discipline in the prison and award of punishments to them should be the last resort of a prison official. At the same time, all instances of deliberate indiscipline and violation of prison rules and regulations and of prison offences by the inmates, which cannot be checked and set right through these measures, should be dealt with very firmly and deterrent punishment should be awarded to the defaulting inmate, after due inquiry and giving him opportunity to explain his side of the case. The Jail Superintendent who has to manage and control a large number of law breakers including cheats,

cut throats, goondas, terrorists, professional murderers, smugglers, robbers and dacoits, must have full authority and powers to award punishment in accordance with the law and the provisions of jail manuals in all cases of prison offences and indiscipline. He should be able to exercise these powers without interference and such procedure which may prevent the award of due punishment quickly and thereby take away its deterrent effect.

12.8. The punitive powers delegated to the Jail Superintendent under the Indian Prisons Act and the Jail Manuals for dealing with inmates are quite adequate but they have been eroded to a great extent by the following directive given by the Supreme Court in the case of Sunil Batra-II versus Delhi Administration, vide Writ Petition No. 1009 of 1979 decided on December 20, 1979:-

"No solitary or punitive cell or no hard labour or dietary charge as painful additive, no other punishment or denial of privileges and amenities, no transfer to other prisons with penal consequences, shall be imposed without judicial appraisal of the Sessions Judge and where such intimation on account of emergency, is difficult, such information shall be given within two days of the action."

12.9. We found that the above directive of the Supreme Court was being interpreted in the States in two ways. In some of them it is being interpreted that none of the punishments or actions which have penal consequences for the prisoners, as mentioned in the judgment, may be taken by the jail authorities without prior approval of the Sessions Judge. According to another interpretation being followed in some States, the jail authorities are free to impose punishments on the prisoners, as per rules and powers delegated to them, but the Sessions Judge should be informed by them within two days of such action.

In the States where the first interpretation of the Supreme Court direction is being followed, we were told that obtaining of prior appraisal by the Sessions Judge of the proposed punishment by the Jail Superintendent often takes considerable time and even if the judge agrees with the proposed action the punishment to the prisoner is awarded after a lot of delay and the very purpose of punishment is defeated. The Supreme Court directive affects not only the powers of the Jail Superintendent but also of I.G. Prisons as he is the final authority to confirm all major punishments awarded to the prisoners by the Jail Superintendent. The officers of the jail department cannot freely exercise their powers of even transferring a prisoner from one jail to another. The undermining of the authority and the powers of the Jail Superintendent in this manner has, to a great extent, diluted his effectiveness in maintaining discipline and control which are most vital for any prison. The Jail Superintendents have also been feeling demoralised and losing their initiative. Every prison has some difficult and incorrigible prisoners who through their sophistication and capacity for intrigues vitiate the atmosphere of the prison and develop vested interests. All mischievous and troublesome prisoners should be firmly and expeditiously dealt with. During our visits to the jails we found that in most places the Superintendents of Jails were conscious of the value of fairness in exercising their disciplinary powers. The powers of punishment as delegated to the Jail Superintendent are not very punitive or harsh. The punishment of whipping has already been abolished, that of solitary confinement cannot be imposed as per directive of the Supreme Court and we recommend that

the punishment of penal diet should also be abolished. The Jail Superintendent watches the day-to-day conduct of the prisoner from every angle and so he is aware that the prison offence committed by him is just accidental or intentional. He has also to see the various implications and consequences of action which is proposed to be taken by him. The previous jail conduct of the prisoner is there to guide and suggest the possible punishment or forgiveness. We were told at the jails, during our visits, that the Supreme Court directive had been gradually eroding the discipline among the inmates and they no longer acknowledge the Jail Superintendent as the main executive authority of their prison. The tendency on the part of the troublesome elements among the prisoners and those who instigate others towards indiscipline to make false complaints against the prison officials is also increasing. We also had an opportunity of discussing this matter with a number of experienced sessions judges, some of whom have been visiting jails to look into the conditions prevailing there and hear the grievances of the inmates, and almost all of them were firmly of the view that the Jail Superintendent should continue to have full authority to maintain discipline in his jail and the powers delegated to him should remain unhindered and he can be trusted to exercise them in a fair manner. We are strongly of the view that the original authority of the officers of the Jail Department to award punishments to the inmates who violate the prison discipline or indulge in offences under the Indian Prisons Act should remain unhindered. We have examined this matter in Chapter XIX also.

We are, at the same time, conscious of the fact that some of the jail officials, especially of junior levels, indulge in corrupt and other undesirable practices and that their behaviour towards prisoners lacks decency, sympathy and humaneness. Sometimes, there are complaints of assaults and torture of inmates. Concerted efforts on the part of supervisory jail officers and the State Governments are required to prevent and check these ills. Those who are found indulging in these malpractices should be identified and given stringent punishments. This problem is, however, likely to be aggravated by actions/procedures which undermine the discipline among the prisoners as often the jail officials indulge in some of the malpractices to help or in collusion with such elements among the inmates who are aggressive or bully type or who have succeeded in gaining an upper hand.

12.10. We are in agreement with the recommendations made by the Mulla Committee in paras 8.26 and 8.27 of Chapter VIII of its report which suggest abolition of certain types of punishments prescribed in Section 46 of the Prisons Act, 1894, as they are not in conformity with the modern concept of humanitarian treatment of offenders and introducing some forms of 'minor' and major' punishments in view of the changed conditions.

12.11. We also recommend that while the requirement of judicial appraisal by the sessions judges of the punishment awarded by the Jail Superintendent to an inmate should be removed, a streamlined and mandatory procedure for giving full opportunity to the inmate to explain his case before he is awarded the punishment and for appeals to the senior officers of the prison department against major punishments awarded by the Jail



Superintendent should be prescribed. A time bound procedure for disposal of the appeals by the appellate authorities at various stages should be made mandatory.

12.12. The Supreme Court has also directed that the District Magistrate and the Sessions Judge should personally or through their surrogates visit the prison in their jurisdiction and should provide effective opportunities for ventilation of legal grievances of the prisoners and take suitable remedial action. We were informed that very few District Magistrates and Sessions Judges visit the jails regularly. We recommend that visits to the jails, every month, by these senior officers of the district or on their behalf by the Additional District Magistrate or the Additional Sessions Judge should be made mandatory. While dealing with the grievances of the prisoners these senior officers of the district should also listen to the problems of the prison officers. As we have mentioned earlier, solution of some of the problems which generate frustration and indiscipline among the prisoners are beyond the capacity and the resources of the Jail Superintendent, and many of these solutions lie with the State Governments and other wings of the Criminal Justice System viz. the judiciary, the police and the executive. The proposed monthly visits to the jails by the senior officers of the district should be in addition to the visits by the committee of official visitors appointed by the Government.

12.13. A useful role can be played by non-official visitors in improving the living conditions in jails and thereby contributing to betterment of inmate discipline. It has been seen that the non-officials generally consider their appointment

as jail visitors only as status symbol for themselves and take little interest in studying the problems of the jails and making worthwhile suggestions for their improvement. They confine their role mainly to recommending special facilities to some prisoners, when approached by the latter's relatives and friends and they take it amiss when the jail authorities are not in a position to comply with their recommendations. The non-official visitors should be appointed on the basis of merit and suitability and, as far as possible, from amongst dedicated social workers so that they may take genuine interest and make positive recommendations for improving the prisons.

12.14. Another directive of the Supreme Court is that arrangements on the example of Free Legal Aid (Supreme Court) Society should be made available for free legal service to the prisoners in jails. Such arrangements should be made by professional organisations recognised by the courts. The District Bar may, for example, keep a cell of its members, for prisoners relief. We were told that in some States the members of the legal aid societies ~~had~~ been insisting that they should be provided facilities not only to meet the prisoners to advise and help them in regard to their legal problems but that they should also be allowed to visit the various parts inside the jails. We are of the view that while all facilities for meetings between the members of free legal aid societies and the prisoners in a room earmarked in the administrative block of the prison should be provided it will be not desirable to permit them to visit the various part of the jail. This responsibility has already been given in the States to the boards of official visitors appointed for each prison and to the District Magistrates and the Sessions Judges.

12.15. The inmates may often indulge in some acts of indiscipline because they are ignorant of their obligations and rights. We recommend that at the time of admission in the prison each inmate should be provided with a booklet in the local regional language or in English explaining the disciplinary requirements, his rights, obligations, privileges and regulations governing his treatment. This booklet should be made available to each prisoner within twenty-four hours of his admission to the prison. In case of illiterate prisoners, the contents of the booklet should be explained to him orally.

12.16. It should be possible to identify troublesome inmates or detect signs of indiscipline or disorder among the prisoners if the staff remains constantly alert and vigilant and there is greater contact (but not collusion) between it and the inmates. For this increase in the strength of staff in proportion to the number of inmates will be necessary. The task of direct handling of the prisoners and of contact and inter-action with them should not be left entirely to the level of warders and head warders. Some middle level officials should also be assigned this task and the warder staff should work under their guidance and supervision. Thorough training of all sections of the staff in regard to their approach and behaviour and handling of prisoners is essential. As directed by the Supreme Court, correctional-cum-orientation courses should be organised for them and it is necessary for the prison staff to inculcate the constitutional values, therapeutic approaches and tension free management. Frequent in-service courses and periodical briefing/discussion sessions of the staff of all ranks should be held in the prison. At present,

supervision over such prison officials who come in direct contact with the prisoners and handle them for day-to-day activities (i.e. warders and head warders) is superficial or absent. The prisoners are mostly at the mercy of warder staff and the supervisory officials formulate their assessment of each inmate on the basis of its opinion and reports. The strength of the supervisory officials exclusively for management and control of prisoners should be increased. Surprise inspections at odd hours by middle level and senior supervisory officers of the jails are also being neglected. Only strict supervision, constant vigilance by the supervisory officers and frequent and surprise inspections, can help in maintaining good discipline and control among the prisoners and in checking corrupt practices of jail officials.

12.17. One of the major problems which is being faced in respect of inmate's discipline is the detention of political prisoners, satyagrahis, and agitationists along with the general prisoners in the same institution. Sudden induction of such prisoners in large numbers, even though for short periods, upsets the entire administration of the prison and puts a very heavy burden on it. A greater percentage of the staff, whose strength is already inadequate, has to be suddenly diverted from its normal duties to look after and manage the agitationists. Within the prison also these political prisoners and satyagrahis are in a mood of defiance and agitation and they resort to activities like raising of slogans, dharanas, hunger strikes. They also demand such facilities for which there is no sanction or provision. Their presence in the jail has subversive and contaminating effect on the other jail

inmates and they feel encouraged to indulge in indiscipline and agitation. We strongly recommend that all those places where political prisoners and agitationists have to be frequently sent to the jail separate camp jails should be established for them and they should not be taken to the normal prison.

12.18. To deal with the situations of riots/disorders it would be necessary to maintain an emergency squad and reserve force in each important prison and specially in special security and maximum security prisons. It should be a versatile squad capable of dealing with any type of emergency, whether it is suppressing disturbances, fighting a fire or conducting rescues after a disorder. The members of the emergency squad should be trained, inter alia in the use of fire-arms, tear gas equipment and fire fighting equipment. They should also have knowledge of the entire lock and key system.

12.19. One of the factors which makes the task of maintaining discipline among the inmates by the jail authorities difficult is the increasing political interference in the prison administration. Quite a number of prisoners have support of politicians who are influential or are placed in key positions. We were told during our visits to the States that quite often even before a prisoner reaches the jail messages/directions are received to extend to him facilities or concessions which are not admissible under the jail rules. Even dangerous prisoners like highly motivated terrorists are being allowed special facilities (like terrorists keeping kirpans) and they use them to threaten the jail officials. Grant of parole or its extensions are frequently being ordered on political

considerations in various States. Transfers of prisoners from one jail to another by the prison authorities on grounds of discipline are often cancelled on the recommendations of their political supporters. Such interference in the jail administration and grant of special privileges or concessions to the law breakers lodged in the prisons creates serious problems of discipline in the jails and it causes considerable demoralisation among the staff responsible to manage and control the prisoners. We suggest that the State Governments should take stock of this and take corrective measures.

12.20. We have recommended above that the prison authorities should have unrestricted authority to exercise the powers of punishment of prisoners ~~as~~ delegated to them under the Prisons Act and the jail manuals. We have also recommended that as suggested by the Mulla Committee the Prisons Act, 1894, should be amended to introduce some new forms of 'minor' and 'major' punishments in view of the changed conditions. This will bring about deletion of some of the old punishments which are not in conformity with the modern concept of ~~humanitarian~~ treatment of offenders. However, the jail authorities have now to handle more and more such inmates ~~who~~ are aggressive or violent type and who are difficult to control. Some prisoners constantly indulge in intimidation or threats of violence against the other prisoners or staff. We recommend that as suggested by the Mulla Committee in para 8.34.13 of its report the superintendent of jail should have the power to take preventive measures for ensuring security and control to the following extent :-

- (i) hand-cuffing upto 12 hours at a time;
- (ii) fetters upto 15 days;
- (iii) separation in acell upto 15 days at a time;
- (iv) canvas belts for controlling violent prisoners as per medical advice.

Any use of these preventive measures beyond the limits suggested above should be subject to approval by the I.G. prisons/State Government. Preventive measures for custody and security should not be considered as punishments. These measures against some prisoners may be necessary to prevent and forestall trouble in the prison and it would not first be necessary to have found them guilty of a specific offence.

12.21. We are in general agreement with the various other recommendations made in Chapter VIII on 'Security and Discipline' of the Mulla Committee report. We also agree generally with the provisions of Chapter XXXI on 'Discipline' of Model Prison Manual, especially those which deal with the preventive measures; methods and technique of "positive and constructive" discipline; standards of behaviour which inmates should adopt; rules regarding inquiry into cases of violations; orderly room procedure; authorities who can award various punishments; and instructions about awarding various types of punishments.

12.22. Section 302 of the Indian Penal Code says that whoever commits murder shall be punished with death or imprisonment for life and shall also be liable for fine. We are given to understand that in 1977-78 or earlier it was decided to amend section 302 IPC to prescribe punishment for two degrees of murder:

- (i) murder in which imprisonment for life would be retained as maximum punishment; and
- (ii) murder with highly aggravating circumstances in which death would be one of the punishments.

An amendment to section 302 IPC was incorporated in the Indian Penal Code (Amendment) Bill, 1978. This bill was passed by the Rajya Sabha but it lapsed on the dissolution of the Lok Sabha in 1979. When action to amend section 302 was initiated it was also decided that in cases of murder where death would be one of the punishments and where a sentence of imprisonment for life was imposed on a person one shall not be released from prison, unless one has served at least 14 years of imprisonment. For this, a new section 433-A for insertion in the Cr.P.C. was incorporated in the Code of Criminal Procedure (Amendment) Bill 1978. This bill was passed by Parliament and it became law. Thus, while the amendment proposed in 302 IPC could not be passed by Parliament a new section 433-A was incorporated in the Cr.P.C. The result is that, at present, in every case of murder, the convict has to undergo imprisonment for a minimum period of 14 years. Before the insertion of section 433-A Cr.P.C., a person convicted for murder and sentenced to life imprisonment could on the basis of remissions earned during his sentence hope to be released after serving imprisonment for 8-10 years (excluding the period of investigation and trial). The remission system which was expected to function as an incentive for good behaviour, discipline and reformation has now lost its meaning for such prisoners. During our visits to the jails in different States we were told that section 433-A Cr.P.C. had made the lifers very frustrated and had taken away



all hope and initiative from them. They now take very little interest in prison programmes such as work (including prison industries) vocational training, education, tasks allotted in open prisons etc. They do not show the same discipline as before. Continuous frustration among the lifers, in this context, is bound to have adverse effect on prison discipline and morale and there will be greater risk of these prisoners creating situations of indiscipline and disorder. The Mulla Committee has stated that section 433-A Cr.P.C. had "put the wheels of prison reformation in reverse gear in India at least by a century in so far as lifers are concerned". We are also of the view that insertion of section 433-A in the Cr.P.C. without amending section 302 of IPC, as was proposed, has been a retrograde step as far as discipline and incentive among the lifers are concerned and also from the point of view of prescribing and pursuing programmes for their reformation and rehabilitation. We recommend that amendment of section 302 IPC on the lines proposed in the Indian Penal Code (Amendment) Bill 1978, should be done without any further delay.

12.23. One of the main reasons for indiscipline among the prisoners is the rampant idleness among them. The prisoners should, therefore, be kept engaged in some purposeful activity which would also help them in their rehabilitation. This may be in the form of (i) education; (ii) industrial work and (iii) vocational training. A large number of inmates in each jail are illiterate and facilities for basic adult education should be provided. Many of the literate inmates may like to learn more if arrangements are made for it. We found during our visits to the jails that the facilities for education are very poor or do not exist at all. The jail teachers are poorly

trained and they hold classes in a routine and mechanical manner, without any supervision. They have little motivation in their work as their career prospects are extremely poor.

12.24. We found that in most of the States the jail industries were in an unsatisfactory state. The main purpose of these industries is not merely to keep the prisoners engaged or to make the industries profitable but to provide the prisoners vocational training so that it may prove useful to them in settling down after release. Selection of most of the jail industries was done in pre-partition period and some of them are such that for their products there is no market these days. Hence, the prisoners take little interest in the industrial work. While in some prisons the capacity of the industries is under-utilised in many prisons no industry or workshop exists. In most of the jails only a small number of prisoners can be kept occupied in the industries and workshops. Also, those who learn the work relating to a particular jail industry are kept there till the time of their release and other prisoners are given no opportunity to learn the same work. This causes resentment among them. If the capacity in a particular industry is limited then the prisoners who have learnt the work should be replaced by others so that a large number of them get trained. Similarly, those prisoners who are engaged for maintenance services (i.e. cooks, water carriers, sweepers etc.) are not rotated and this is a cause of unhappiness among them.

12.25. There is need for expansion and diversification of industries in the prisons but the allotment of prisoners for the existing industries/trades should be done as far as possible, on considerations of needs and aptitude of each prisoner. They should also have a choice of selection from the various

activities for employment available in the prison. This will be more conducive for discipline and control. At present, allocation of prisoners to various industries/workshops or other assignments is being done without any consideration of their aptitude or preference. It is, at the same time, being complained that the jail officials often take bribes from prisoners or their supporters to assign them work of their choice or to give such assignments which do not require much exertion or hard work.

12.26. The wages paid to the prisoners doing various types of work in the jails are nominal. The amount paid per day for skilled work varies from Rs. 1 to Rs 1.50 P in most of the States and for unskilled work it is only 50 Paise or less. It is, therefore, not surprising that the prisoners do not take any interest in their work at all. Some States have, however, started paying higher amounts as wages to the prisoners. For example, in Himachal Pradesh, the inmates working in jail industries and on maintenance services are being paid wages at the rate of Rs. 6.85, Rs. 5.15 and Rs. 3.45 as skilled, semi-skilled and unskilled workers, respectively. We feel that the rate of wages should be such as to provide good incentive to the prisoners. The wages should also be paid to those engaged in maintenance services. Also, in future the rates of wages paid to the prisoners should be revised every three years.

12.27. In most of the jails, the undertrials constitute more than 50 per cent of the total prison population. Almost all of them remain idle as, per rules, they cannot be made to do any work in the jails unless they volunteer. We were told by the officials in various jails that if the incentive of

better wages is provided then a larger number of undertrials would volunteer to do work connected both with industries and maintenance services. Under sub-sections (3) and (4) of Section 27 of the Prisons Act, 1894, unconvicted prisoners and civil prisoners have to be kept apart from convicted criminal prisoners. Undertrials can, therefore, be not employed together with convict prisoners working in various workshops. To keep the undertrials occupied separate work places for them should be earmarked. We were told that in some of the jails undertrials were unwilling to work because there was superstition that if they volunteered to do so they were bound to be convicted in their cases. Superstitious feeling may be reduced if the undertrials are made to work in separate worksheds and not with convicts. Many of the undertrials come from poor families and they have no money even to pay to their legal counsels, and the offer of a resonable wage may act as a good incentive to keep them occupied and busy. The trade learnt by them in the jails will be useful in settling down after release if they are acquitted in their cases.

12.28. The Mulla Committee has examined in detail the subject of work programmes and vocational training in the prisons and we agree with its recommendations.

12.29. Facilities for recreational and physical activities like games, PT exercises, yoga will also help to a great extent in keeping the prisoners engaged and reducing the chances of indiscipline and disorder. Libraries should also be established from where prisoners can have books and periodicals.

12.30. Worries on account of family problems and absence of news/letters from family members for long cause unhappiness and tension among prisoners. Under the pressure of such tensions and anxiety some of the prisoners, though generally well-behaved, may show abnormal or indisciplined behaviour. Welfare officers would be appointed in all closed prisons for acting as links between prisoners and their families and for organising welfare activities for prisoners in the jails. Welfare officers may be in a position to know some of the problems which cause unhappiness and dissatisfaction among the prisoners and bring them to the notice of the jail officials.

12.31. A detailed record of each and every prisoners regarding his general conduct and behaviour, including acts of indiscipline or good conduct, should be maintained. Even instances of attempted incitement of other prisoners, aggressiveness, etc., even though detected and controlled in time, should be recorded. All this data will help in granting to the prisoners privileges like remission, premature release, etc. in a more judicious and objective way rather than in a mechanical manner as is being generally done at present.

## CHAPTER XIII

### INTERVIEWS

13.1. Interviews in jails which permit meetings between inmates and their relations/friends normally on fixed days and for fixed periods are very important from the point of view of the morale of the inmates. Meetings with their near and dear ones reduce tensions and frustrations among the inmates and also lessen worries pertaining to their family members. The interviews if permitted under congenial and relaxed conditions should help the inmates in bearing the rigours of prison life and mitigating to some extent their hostile feelings towards the jail administration. The interviews under proper conditions should, thus, help in maintaining prison discipline. It was noticed by us that almost in all the States there was an attitude of idifference and neglect on the part of jail officials in regard to interviews. In its judgement in the case of Sunil Batra Versus Delhi Administration (writ petition No.1009 of 1979) decided on December 20, 1979, the Supreme Court observed:-

"Visits to prisoners by family and friends are a solace in insulation; and only a dehumanised system can derive vicarious delight in depriving prison inmates of this humane amenity. Subject, of course, to search and discipline and other security criteria the right to society of fellow-men, parents and other family members cannot be denied in the light of Article 19 and its sweep. Moreover, the whole habilitative purpose of sentencing is to soften,

not to harden, and this will be promoted by more such meetings,"

Pandit Jawaharlal Nehru wrote about the Naini prison:-

"Interviews are still difficult. Almost invariably they depend on a gratification for some good official. Often prisoners are transferred to different gaols, and their people cannot trace them. I have met many prisoners who had lost complete touch with their families for years, and did not know what had happened. Interviews, when they do take place after three months or more are most extra-ordinary. A number of prisoners and their interviewers are placed together on either side of a barrier, and they all try to talk simultaneously. There is a great deal of shouting at each other, and the slight human touch that might have come from the interview is entirely absent."

What Nehru wrote many years back is relevant even today.

In almost no State the jail administration has taken interest in improving the arrangements for interviews. It does not seem to have appreciation of the importance of interviews from the point of view of feelings and morale of the inmates and their value in maintaining inmate discipline. Interviews are treated by the prison officials as acts of extreme obligation and concession by them to the inmates as well as to the persons who come to meet them. We were told almost everywhere that interviews were a common source of making money by the jail officials.

13.2. The visitors, some coming from long distances, start collecting outside the jail gate from early morning. At very

few jails waiting rooms or sheds have been provided for them. They have to usually wait for long hours in the open or under the trees in all seasons of the year. Where waiting rooms/sheds are available for the visitors they are kept in dirty and neglected state. Facilities for toilets, drinking waters, etc. for the visitors are non-existent.

13.3. Many of the jails do not have interview rooms. In some jails interviews are permitted through a window of one of the office rooms which is already over-crowded with clerical staff. The window usually has bars but no wire mesh, thus, permitting the possibility of contraband being passed to the prisoner. In some jails the prisoners and the visitors are made to stand on the two sides of the outer gate of the main gate where there is lot of other activity almost throughout the day. Here, too, contraband can be passed through the bars of the gate. At some other places the visitors are taken inside the jails and they and the prisoners are made to sit in the open in two rows opposite to each other. Where interview rooms exist, they are too small and at the time of interviews the number of prisoners and the visitors on the two sides of the barrier is usually very large and there is so much shouting and noise that one wonders whether a prisoner is able to communicate anything to the persons who have come to see him and vice versa. At a number of places the barrier in the interview room has not been made fully secure as to prevent the passing of contraband. Interviews in such conditions must be causing a lot of dissatisfaction and frustration both among the inmates and the visitors. The prisoners eagerly look forward to having interviews with their near ones but



the interviews permitted under conditions mentioned above must be generating feelings of grievance and hostility vis-a-vis the jail staff. This must also be strengthening the belief that for an interview in more relaxed and congenial atmosphere offering gratification to the jail staff is essential. Interviews in such unsatisfactory conditions also encourage other malpractices. Unable to have proper interviews in the jails the relations of prisoners are likely to make attempts to meet them outside the jails when they are being taken to courts or hospitals, with the help and connivance of the escort staff.

13.4. As a measure of the humane treatment of prisoners, to ensure better conduct and discipline among them, to reduce possibilities of malpractices and to improve the image of the prison department adequate arrangements for interviews in various jails are essential and should be given high priority. This does not mean dilution of rules governing the conduct of interviews and relaxing of security precautions and proper control and discipline during interviews and measures to check possibilities of passing of contraband, documents etc. by the visitors to the inmates.

13.5., The following are our recommendations:-

- (i) There should be a waiting room for the visitors near the main gate but not too close to it.  
Seating arrangements and facilities of toilets (for ladies and gents) drinking water, lighting,

ceiling fans etc. should be provided in the waiting rooms. Waiting rooms should be kept clean. Sign-boards in the local language indicating rules and regulations governing the interviews should be displayed there. If possible, booklets explaining these rules and regulations should be provided. Adjoining to the waiting room there should be a search room where all the visitors should be searched before being taken to the interview room. Women visitors should be searched only by women staff.

- (ii) Each jail should have a proper interview room of suitable size according to the total capacity of the institution and the average number of persons coming every day for interviews with the in-mates. The interview room should have a secure barrier with trellies, bars and wire mesh covering it fully. In special security and maximum security prisons double barriers would be advisable.
- (iii) The interview room may be divided into cubicles by fixing side panels as to permit privacy to the inmates and the visitors when they are talking to each other. Fixing of these panels should be done in such a manner that they do not prevent the jail staff on duty from exercising adequate supervision and watch. The panels should not cover the whole height of the interview room i.e. from floor to roof. The panel may be about

2 to  $2\frac{1}{2}$  ft. wide and  $3\frac{1}{2}$  ft. long. It should be fixed at a height of about  $3\frac{1}{2}$  ft. from the ground and it should extend upto  $6\frac{1}{2}$  to 7 ft. from the ground. A rough plan for waiting room for the interviewers and the interview room is given in Appendix VII. It would be best to have the interview room on one side of the main gate as suggested in the plan. If necessary, some of the existing rooms being used by the administrative staff may be got vacated and a proper interview room created after necessary alterations and changes. For the administrative staff an additional block may be built near the gate as suggested in the plan.

- (iv) The staff detailed for duty for supervising the interviews should be frequently changed.
- (v) Every prisoner on admission should be made to submit a list and other details of persons who are likely to seek interview with him. This list should be kept on record with the jailor detailed for supervising interviews, for ~~scrutiny~~ as and when required. Prior consent of a prisoner should be taken before arranging his meeting with a visitor if his name is not in the list given by the prisoner.
- (vi) The staff dealing with visitors should throughout be courteous.

(vii) There should be no concession in the duration of interview and the number of persons to have interview with an inmate at a time as laid down in the rules. Extension should be allowed only by the Jail Superintendent. He should do so after recording reasons in a register. Strict adherence to the rules reduces the possibility of corruption.

(viii) After the interview hours a thorough inspection of the interview room and the waiting room should be done by an officer of the rank of at least an Assistant Jailor to see that no contraband has been left behind by any of the visitors.

(ix) No loitering by the visitors or inmates should be tolerated in the interview room.

(x) The staff on duty in the interview room should be constantly watchful that no attempts are made to pass articles such as saws, drugs, money etc. to the inmates. If possible some chairs at a height may be provided for few staff members so that they may watch over the partition panels.

(xi) Visitors under the influence of liquor should not be admitted to the interview room.

(xii) Visitors should not be permitted to bring edibles, liquids or drugs into the interview room.

(xiii) Interviews by ex-convicts should be closely monitored.

(xiv) An officer of rank of at least Jailor should be in-charge of the interviews in a jail. After receiving all the applications from the visitors and obtaining approval of the superintendent he should personally go to the waiting room and check them with the

applicants and ensure that persons other than those whose names appear in the application forms are not present in the waiting room and are allowed to enter the interview rooms.

- (xv) It should be ensured that there is no shouting and as little noise as possible in the interview room. There should be a senior supervisory officer of the rank of Assistant Jailor or Deputy Jailor present in the interview room at the time of interviews, and the entire operation should not be left to the warders and head warders.
- (xvi) Clocks should be fixed in the interview rooms so that the inmates and the visitors remain conscious of the duration of interview.
- (xvii) Prisoners should be thoroughly search before and after the interviews.
- (xviii) Visitors should not be taken inside the jails for interviews unless there are some special circumstances.
- (xix) Articles brought by the visitors for the inmates and permitted under the rules, should be deposited with the jail staff. These should be handed over to the inmates after thorough search and check.
- (xx) Not more than three adult visitors should be permitted to be present at the interview.
- (xxi) A complaint book with serially numbered pages and with prison seal on each page should be kept in the waiting room for the visitors. The jail official in-charge should make it available to the visitors on demand. The book should be placed before the

Superintendent of Jail, every day, after the interview hours.

(xxdi) In prisons earmarked for long term convicts a separate and small interview room (to be called interview room B) should be provided for such convicts who have constantly shown good conduct for at least five year of their sentence. They may be permitted to have interviews with the visitors in this room as a reward for their good conduct and as a measure of gradual socialisation. The room should not have any barrier and the inmates and the visitors should be made to sit on two sides of a broad and long table. An inmate, during such interview, may be allowed to touch or hold the hands of very close relations like son, daughter, father, mother and wife if he so desires. The entire interview should be closely supervised. A long term convict eligible for interview in the interview room B, on the basis of good conduct and behaviour, should be disallowed interviews there if he commits a prison offence or indulges in some act of indiscipline or misbehaviour. This interview room can also be used for meetings between all categories of prisoners and their legal advisers. An interview of a prisoner with his legal adviser should take place within the sight but out of hearing of a prison official.

(xxdii) Convict officers are being used with warder staff in most of the jails for supervising the interviews. Use of convict officers for this purpose is not desirable and should be stopped. Adequate warder staff with supervisory officers should be provided for this duty.

- (xxiv) Cooked food articles should not be allowed to be given by the visitors to the prisoners whom they come to meet. If under the rules or court orders the under-trials are permitted to receive cooked food and clothing then a thorough check and scrutiny of these articles should be done before they are handed over to the inmates.
- (xxv) There is often considerable time gap between the time of arrival of visitors and actual interviews. The visitors have, thus, to wait for many hours and this causes them considerable inconvenience and annoyance. This time gap should be reduced. Such delay in arranging interviews also increases chances of malpractices on the part of jail staff.
- (xxvi) All the visitors should be thoroughly searched. If any of them does not agree for search he should not be allowed to interview the prisoner whom he has come to see. Women visitors should be searched only by women staff.
- (xxvii) The jail staff on duty for interviews should have received thorough training in doing searches.
- (xxviii) There should be a communication system, like the intercom, between the main gate and the various wards including the workshop ward, for alerting the supervisory staff posted there to keep ready the inmates who would be required for interviews.

## CHAPTER XIV

### CLASSIFICATION OF PRISONS ON THE BASIS OF SECURITY

14.1. The existing categorisation of prisons in India is mainly on the basis of their inmate capacity, resources and locations and type of prisoners. As mentioned earlier, closed prisons in the country fall mainly into three categories, viz (i) central jails, (ii) district jails and (iii) sub-jails. The Central jails are being used mainly to lodge convicts with long sentences. Undertrials and convicts with shorter sentences are generally kept in the district jails. The population of sub-jails consists almost entirely of undertrials, but in some places convicts with sentences upto one or two months are being lodged there. The Mulla Committee had stated that security and discipline were two closely related aspects of prison administration and should be based on scientific classification of prisoners and their segregation in diversified institutions. It held that the classification of prisons should be done keeping in view the requirements of security gradation of prisoners in custody. It recommended that for such an approach the prisons should be classified in the following manner:

(i) SPECIAL SECURITY PRISONS -

For difficult discipline cases, escape risks, violent and dangerous prisoners;

(ii) MAXIMUM SECURITY PRISONS -

For habitual, careerist, professional, organised and sophisticated criminals;



(iii) MEDIUM SECURITY PRISONS -

For those inmates who show positive response to reformative measures;

(iv) MINIMUM SECURITY PRISONS:

(a) This facility will be available to maximum and minimum security prisons. A certain category of prisoners would be free to go out of the perimeter walls of these prisons with or without watch for various work programmes during the day;

(b) OPEN PRISONS:

This category of prisons will have no walls or fencing or locks or any other physical precaution against escapes.

(c) OPEN CAMPS:

These open camps would be like the Sanganer Camp near Jaipur, Rajasthan, where prisoners and their families live and work together on their own.

14.2. We are in agreement with the Mulla Committee that prisons on considerations of security and discipline may be created on the basis of above-mentioned classification. We, however, feel that at present, special security prisons should be created only in such States which have a considerable number of prisoners who can be treated as high security risks, violent or dangerous. Such prisons should also be used to keep prisoners whose escape would be highly dangerous to the public or police or to the security of the State even if some of them give the impression that they are not likely to make an escape bid. We are of the view that at this stage it would

be necessary to create two or three special security prisons in Punjab and one in Tripura and Manipur, each, as these States are afflicted by terrorist and insurgent activity. However, in other States, also, there may be times when they may have prisoners whose escape would be highly dangerous to the public and security of the State. These States need not have exclusive security prisons but they may convert some portions of few selected prisons into special security wings.

14.3. **Lord Mountbatten**, who had been detailed by the Government of U.K., in 1966, to look into the problems of prison security in Britain, recommended the following security categorisation of prisoners:

- Category A - A prisoner whose escape would be highly dangerous to the public or police or to the security of the State.
- Category B - A prisoner for whom the very highest conditions of security are not necessary but for whom escape must be made very difficult.
- Category C - A prisoner who cannot be trusted in open conditions but who does not have the ability or the resources to make a determined escape attempt.
- Category D - Those who can be reasonably trusted to serve their sentences in open conditions.

The above system of security categorisation of prisoners, as recommended by **Lord Mountbatten**, is, at present, reported to be followed in the U.K. Category A Prisoners in U.K. generally fall in one of the following groups:

- (i) those sentenced under the Official Secrets Act;
- (ii) those convicted of violent sexual offences;
- (iii) violent professional criminals who are both dangerous and persistent in their criminal activities;
- (iv) politically motivated prisoners who had used fire-arms and explosives and are highly dangerous to the public, the police and State.

For each of the four categories of prisons based on security, the Mulla Committee has also recommended as to what type of prisoners (graded on the basis of security) should be kept in them. We recommend that Mountbatten's four gradings of prisoners on the basis of security may be combined with those suggested by the Mulla Committee.

14.4. It may be mentioned here that there has been considerable debate whether there should be exclusive special security prisons to accommodate all dangerous and high risk prisoners (described as the 'centralised' system) or, whether such dangerous inmates should be dispersed in smaller groups in separate secure sectors of a number of prisons, that is, adopt the 'dispersal' system. Both systems have their advantages and shortcomings. It is less costly to have a separate specially secure institution than to strengthen the security of some portions of a large number of prisons. Besides, it is easier to contain highly dangerous prisoners in one prison than to maintain several specially reinforced units. Moreover, specialised and trained staff can be concentrated at one unit. As against these arguments in favour of concentration it can

be said that concentration of a large number of highly dangerous inmates at one place increases custodial and security problems by raising the scope of aggression, hatching up of conspiracies and inter-action between dangerous criminals, apart from increasing tensions and problems to the prison staff through threats, intimidation and blackmail. It has also been argued that centralisation of such inmates attaches a stigma to the inmates thereby hampering the scope of reformation and resocialisation.

14.5. It may be appropriate to look into the experiences of some of the western countries. Lord Mountbatten, had recommended the creation of a few exclusive prisons for lodging highly dangerous prisoners, whose escape could pose danger to the security of the people and the States. On the basis of his recommendations, the U.K. Government had decided to create a few 'fortress' type high security prisons for this category of prisoners. Subsequently, however, the Control Review Committee appointed by the Government of U.K., in 1983, rejected the 'concentration' system recommended by Lord Mountbatten and favoured the 'dispersal' system. Among the various arguments against concentration were :

- (a) The dangers of the atmosphere becoming repressive with the attitudes of the inmates hardening and the feeling gaining ground that they were rejected by society and had, therefore, nothing to gain by co-operation and nothing to lose by revolt.

- (b) Selection of the inmates for such concentration prisons required accuracy and entailed the risk of some high security prisoners being excluded.
- (c) Concentrating the most recalcitrant prisoners in a single maximum security prison was likely to increase the number of apparently incorrigible prisoners to be dealt with by the system as a whole.
- (d) Such prisons offered ideal targets for attack.
- (e) This could lead to concentration of certain politically motivated offenders who could derive propaganda mileage by claiming that it was their political conviction which was responsible for their being treated as a special group.
- (f) Placing together hardened terrorists in one or two establishments could create severe problems of control apart from encouraging concerted activities.

The U.K. Government, therefore, decided in favour of dispersal of the high security prisoners among the larger population of a few selected prisons after suitably upgrading their security arrangements. This involved strengthening perimeter security, implementing of traditional physical barriers and reinforcement of defence in dispersal system through location of several physical barriers from the cells of the inmates to the perimeter.

A select committee of experts appointed in 1982 by the Council of Europe to look into the problem of custody and treatment of dangerous prisoners had also recommended (September 24, 1982) the adoption of the dispersal system rather than centralisation.

14.6. In India, the security arrangements in almost all categories of existing jails have many shortcomings and weaknesses and none of them is fit to keep high security prisoners. There are only a few States with appreciable number of high security prisoners. It is generally not possible to transfer these prisoners to other States because of legal complications and their demand that they should not be kept at far away places as their relations and friends would find it difficult to visit them. Hence, as recommended by us earlier, we should have in the States where the number of high security prisoners is considerable a few exclusive special security prisons to keep them. In other States, the dispersal system should be followed and some portions of a few selected prisons should be converted into special security wings.

14.7. The existing closed prisons in the States which fall in the category of central jails, district jails and sub-jails should be developed into maximum security prisons and medium security prisons on the lines recommended by the Mulla Committee .

14.8. The following special equipment should be provided to a Special Security Prison :

(1) Communication arrangements :

(i) Intercom

(ii) Walkie-Talkie,

- (iii) Telephone,
- (iv) W/T communication, with police control room and nearest police station.
- (ii) Fire Fighting arrangements.
- (iii) Flood lights.
- (iv) Emergency lighting arrangements like V.L. Pistols, electric torches, gas lights.
- (v) Stand-by generator.
- (vi) C.C.T.V.
- (vii) Steel helmets and cane shields.
- (viii) Canes.
- (ix) Tear Gas equipment and Stun grenades.
- (x) Water hoses.
- (xi) Electronic alarms system.
- (xii) First-aid kit.
- (xiii) Hand-held metal detector.
- (xiv) Door-frame metal detector.
- (xv) Explosive detector.
- (xvi) X-Ray machines.
- (xvii) Vehicles:
  - Staff Car,
  - Jeep,
  - Pick-up Van (designed to transport prisoners in emergency)
- (xviii) Arrangements for taking photographs and finger prints of prisoners.
- (xix) Geophones - to be placed inside and outside the perimeter wall.

14.9. The rules and regulations for security, custody and other matters regarding jail administration as prescribed by the State Government and the jail department will be followed in the Special Security Prisons. In addition, we recommend that the following action should be taken in these prisons:-

- (i) Some area outside the perimeter wall upto a depth of about 100 yards should be made 'out of bounds' area. It should be enclosed by well secured barbed wire and the outer campus so formed should have only one gate. The gate should be manned by an armed guard.
- (ii) An Enquiry Office manned by unarmed jail staff should be established near the gate of the outer ~~campus~~. The enquiry office should deal with all visitors coming to the prison. It should be in direct communication with the control room in the administrative block of the prison.
- (iii) The prison should have a high **perimeter wall** (about 20 feet) with watch towers suitably placed, along it. The watch towers should be manned by armed police preferably from para-military forces.
- (iv) Both the outer and inner gate of the main gate of the prison should have smaller window gates. The bars and the grating of the main gates should be fully covered by iron sheet, with peep-holes which can be opened only from inside the main gate. The activity inside the main gate area should not be visible from outside.



- (v) Two sentries of the armed police or para-military forces armed with semi-automatic weapons should be on duty outside the main gate. The guard room should be near the sentry point.
- (vi) The area outside the perimeter wall should be watched by a mobile patrol party.
- (vii) The officer in-charge of the main gate should be of the rank of Deputy Superintendent of Jail. He should be on duty all the time. He should be assisted by a staff of at least 1 Jailor, 1 Deputy Jailor, 1 Head Warder and 3 Warders at the time. This staff can be increased by the Jail Superintendent as and when considered necessary.
- (viii) Hand held metal detectors, explosive detector and a door-frame detector should be provided in the main gate area.
- (ix) A control room in the administrative block, near the main gate, should operate round the clock. It should be in communication with various important and sensitive points in the jail through intercom and walkie-talkie. It should also have W/T communication with the nearest police station, the police control room and office of Inspector General of Prisons if it is located in the same town. The control room should be provided with a P&T Telephone, other than that given to the administrative section of the jail.

- (x) No member of the jail staff should normally go armed inside the jail.
- (xi) Watch and patrolling along the perimeter wall inside the jail should be done by head warders and warders. An Assistant Jailor or Deputy Jailor Should be in-charge.
- (xii) No convict officer should be kept or used for any work or duty inside the jail.
- (xiii) Total capacity of the jail should not be more than 300.
- (xiv) Wards should be segregated by walls of at least 15 feet height.
- (xv) All accommodation inside the wards for prisoners should be cellular. Most of the cell should be single cells or to keep 3 or 5 prisoners. Each cell should have a toilet attached to it. Maximum accommodation in the ward should be of 50 prisoners. In addition to the cells there should be an 'association room' with capacity of twenty prisoners in each ward. Prisoners may be taken in small groups for short periods to association room which will be provided with T.V., radio, indoor games, newspapers and magazines. The association room will be kept locked when the prisoners are in it.
- (xvi) Prisoners should be taken out from the cells for exercise in the yard in small groups and for short periods.

- (xvii) Food should be served in the cells
- (xviii) Behaviour of the staff towards the prisoners should be humane, courteous and firm. Complaints of the prisoners should be heard with patience. All complaints relating to basic facilities like lighting, toilets, water supply, food etc. should be promptly attended to.
- (xix) There should be a central observation tower, manned by at least two armed sentries all the time. The entrance to the tower should be kept locked from inside. The observation tower should be in contact with the control room through intercom and walkie-talkie.
- (xx) The cells should be well lighted. Flood lights should be fixed at suitable places in the yards, on central observation towers and the perimeter wall, both inside and outside.
- (xxi) An armed guard of suitable strength under the command of an officer of the rank of at least an Inspector should stay inside the jail near the observation tower. Outside the main gate also there should be a reserve guard of suitable strength. Both these guards should be from the armed police or para-military forces.
- (xxii) A stand-by generator should be provided to the jail and tested at frequent intervals.

- (xxiii) The strength and scale of the staff for duty in this jail should be considerably higher than that in other jails. It should consist of specially selected personnel in good health, and who are highly disciplined and a proven integrity.
- (xxiv) Since the duties of the staff would involve high risk and tension and would demand constant alertness and vigilance its members should be suitably compensated with adequate special pay and allowances.
- (xxv) The staff of the jail should be changed every two years.
- (xxvi) Family quarters for all the members of the staff should be provided near the jail.
- (xxvii) The hospital inside the jail should have facilities for specialist treatment, pathological tests and X-Ray.
- (xxviii) All members of the staff of various ranks, including the medical and ministerial sections, should be issued photo identity cards and these should be displayed by them on their person, all the time, when on duty in the jail.
- (xxix) Each member of the staff, irrespective of his rank, should be thoroughly searched before he is allowed to enter the jail and at the time when he comes out of it.
- (xxx) The jail should have facilities for recreation, canteen, library, education, workshop and industries.

- (xxxix) All members of the staff should be trained in fire fighting and there should be a squad trained in handling tear-gas equipment.
- (xxxii) It may be necessary in some special security prisons to create a coiled barbed wire barrier between the outer perimeter wall and inner segregation walls of the wards. Electronics sensors may be attached to this barrier and monitored from the control room.
- (xxxiii) Each prisoner should be provided with a booklet in local regional language explaining rules of the jail, disciplinary requirements, his rights and obligations and regulations governing his treatment. If the prisoner is illiterate the booklet will be read over and the instructions explained to him.
- (xxxiv) The prison should have a well devised system for custody and control and inspection of locks, keys, hand-cuffs and other equipment.
- (xxxv) The prison should have emergency schemes for dealing with special emergencies like escapes, riots, assaults, fires etc. Periodical practice of these emergency schemes should be done.

- (xxxvi) At night, an officer of the rank of Deputy Superintendent of Jail should be throughout on duty inside the jail.
- (xxxvii) The interview room should be made thoroughly secure. For details of an interview room, see Chapter XIII. Interview should be strictly supervised and arrangement for tape-recording made if necessary.
- (xxxviii) The Jail Superintendent should work out a system of searches of all incoming and outgoing inmates, vehicles etc. and periodical surprise searches of all prisoner's cells, equipment etc.
- (xxxix) All trees inside the jail campus within the perimeter wall should have barbed wire guards round them.
- (xl) Adequate clerical staff should be provided so that the executive staff does not have to spend much time in the office.
- (xli) Escorting of prisoners for movement in the prison should not be left entirely to the warder staff but it should be under the supervision of at least an Assistant Jailor.
- (xlii) In the night, the main gate should not be opened for the staff to come out or go in for change of shifts. Staff members relieved from their shifts in the night should rest

inside the jails. They should be given some compensation for this and rest rooms should be provided for them.

- (xliii) A law officer who may attend to the writ petitions and other complaints filed in the court should be provided to the jail so that the jail officials do not have to spend too much time in running to courts and dealing with other connected matters.
- (xliv) Adequate facilities for work and recreation for the inmates should be provided in the jail.
- (xlv) The jail staff should perform duty for 8 hours in a day. One day's weekly off should be given to them. Adequate leave and training reserve should be provided so that there is no dislocation of work.
- (xlvi) All members of the executive staff should be in uniform while on duty in the jail or when they go out of jail in connection with official work.
- (xlvii) Each member of the staff should be given a booklet explaining all rules and regulations and directions in regard to the special jail. The booklet will also contain important provisions from the State jail manual which the staff members should keep in mind.
- (xlviii) The jail should have a security officer of the rank of Deputy Superintendent of Jails and he should be directly responsible to the Jail Superintendent.
- (xlix) The jail should have a welfare officer, a psychiatrist and an expert from the field of sociology. They should be full time officers

attached to the jail so that the classification committee may work on a regular basis.

- (1) The jail should have a well secured room where classification committee can interview the prisoners.
- (1i) Each ward in which the prisoners live should be under the charge of a head warder and two warders at any time of the day. An Assistant Jailor should supervise the work of the staff of two such wards. Each of the wards meant for the hospital, workshop, education etc. should have a security staff of one Assistant Jailor, one head warder and two warders. In the hospital ward, this staff will be relieved after every 8 hours.
- (1ii) If necessary, a Dog Squad with a complement of well trained handlers should be created for patrolling along the perimeter wall inside the jail.
- (1iii) Correspondence of prisoners should be examined for possible clandestine messages. Apparently, innocuous letters can be used to convey such messages. A few selected jail personnel should be got trained in censoring work.
- (1iv) There should be frequent rotation of prisoners with regard to their cells and cell-mates.

14.10. Tightening of security along with perimeter, in the wards and in other areas of prison will make it more difficult for the prisoners to escape; but this, by itself, is not likely to ensure that desired control and discipline. Efforts should be made to identify the inmates who fall in the following categories:-



- (a) those who are determined at all costs to get out of the prison whenever they find an opportunity;
- (b) those who, as a result of circumstances at a particular time, make an escape bid which they may not attempt if the pressure of action on them could be removed or, at least, reduced;
- (c) those who are likely to be troublesome from the point of view of control and discipline;
- (d) those who are members of gangs or are likely to have strong supporters outside.

For identifying, as far as possible, the above type of inmates assessment of each individual prisoner through a process of interview and scientific classification by a committee consisting of the jail superintendent, medical officer, welfare officer, psychiatrist and sociologist would be necessary. All possible information on the prisoners should be obtained from the police also. The classification committee should prepare a personal profile on each prisoner including photographs and those who appear as determined escape risks should be separated from others. The classification committee should also try to identify prisoners who are assessed for subversiveness or ~~those~~ who are likely to respond to any subversive influence. The committee should prescribe treatment programmes for inmates on individual basis. A large proportion of prisoners in special security prisons may accept the situation in which they are placed if the atmosphere in the prison despite very high security conditions is not allowed to be repressive. In a repressive regime the prisoners, especially those who have been labelled as the worst, start feeling that they have nothing to gain by cooperation and nothing to lose by revolt. The effort of the prison regime

CHAPTER XV

PROBLEMS OF UNDERTRIALS, POLITICAL AGITATORS  
AND OTHER UNCONVICTED PRISONERS

15.1 One of the major problems being faced by the jails in our country is the increasing population of undertrials. The proportion of undertrials among the inmates in many of the jails is as high as 60 to 80 per cent. In one of the jails of Uttar Pradesh we found that the undertrials constituted 93% of the jail population while the convicts were only 7%. According to the present trends, the number of undertrials in most of the jails and sub-jails may continue to increase. On the other hand, the percentage of convicts is on the decline. The increasing population of undertrials has been mostly responsible for the overcrowding in the prisons. This serious matter has been examined from time to time by a number of commissions and committees and various recommendations like speedy trials, liberal policy in regard to release on bail, release on personal bonds of those prisoners who cannot arrange sureties, etc. have been made. However, the situation continues to deteriorate and in quite a number of jails it has reached alarming proportions. Appendix IX shows the extent of population of undertrials in the prisons in the country.

should be to remove the reasons for tensions which impel the prisoner's mind towards escape and indiscipline. This can be achieved through firm, fair and humane behaviour of the staff, provision of reasonable opportunities of recreation and work and closer relationship (but not collusion) between the prisoners and the staff. If the prisoners come to accept the fairness of treatment of the prison personnel it would be easier to detect symptoms of unrest which may indicate the planning of escape attempt or some disturbance. The prisoners should also be kept employed in purposeful activity, whether industry, education or vocational training. Periodical review of the inmates, on individualised basis, should be done by the classification committee both in regard to initial categorisation/allocation based on security and control, and the treatment programme prescribed earlier. In the end, it may be added that fair and decent behaviour towards the **prisoners** does not imply dilution of rules, regulations and directives for discipline and control and these should be enforced firmly. Many of the prisoners cooperate if assured of non-repressive and humane regime. Above all, successful operation of a special security prison will depend on efficient performance, alertness and vigilance of the staff.

14.11. The above-mentioned arrangements recommended by us for Special Security Prisons will, with some modification, be also made in the prisons in which some portions have been converted into special security wings.

15.2. The prison system in our country has been evolved mainly from the point of view of custody, management, treatment, etc. of the convicts. The undertrials found limited emphasis in the overall prison scheme as they were considered as temporary and transient inmates who were not likely to remain in the prison for long unless convicted. The position has, however, changed a lot and the number of undertrials in the prisons is not only increasing, year by year, but the average period of their confinement as undertrials is considerable. On the basis of our visits to the jails and discussions with the officials connected with the prison administration we feel that despite frequent exhortations from various quarters to deal with this problem it is likely to become more and more acute. Hence, the prison administration in the various States will have to pay greater attention to management and control of the undertrials in the jails. The large number of undertrial prisoners not only contribute to the serious problem of congestion in the jails but also produces or adds to the existing sub-human living conditions in most of the prisons. The Mulla Committee in its report had made the following observations in regard to the undertrials:-

" In most of the States and Union Territories there are no separate buildings for keeping undertrial prisoners. They are confined for long periods in the same buildings with the convicted inmates. The segregation of undertrial prisoners in separate

wards in the same buildings is also not an effective method. It has been observed that the lodging of undertrial prisoners with convicted offenders leads to contamination of crime. Many inexperienced young men come into contact with hardened criminals who have had the experience of prisons on several occasions. Gangsters are known to recruit members for their criminal gangs from out of the borderline, yet redeemable, offenders admitted to jails as undertrials. Since the undertrial prisoners constitute a floating population in prisons, their frequent admission, release and transit to and from courts create lot of administrative problems for the prison personnel. Much of the sneaking of contraband articles inside the prisons and the contagion of diseases amongst inmates are due to the perpetual movement of undertrials in and out of prisons."

15.3 . During our visits to various jails in different States we found that these conditions are not only continuing but are assuming greater magnitude. To the category of undertrials who constitute a very large portion of the prison population should be added other classes of unconvicted prisoners, viz., the remand prisoners, non-criminal lunatics, persons confined under preventive section of Cr.P.C. and those detained under executive order based on provisions of special legislations, like NSA and COFEPOSA. In a sub-jail we saw even stray-children

kept in protective custody under court orders. The undertrial prisoners and other unconvicted inmates enjoy better facilities in regard to their interviews and communication as compared to convicted prisoners. They are not required to put on prison uniform and in some of the States they are allowed to cook their own food or get it from outside.

15.4. Undertrial prisoners have been causing problems from the point of view of security, discipline and control in the prisons. The main factors contributing to this are :-

- (a) Excessive over-crowding in the barracks/dormitories in which undertrials are lodged. This leads to stresses, tensions and, often, to serious quarrels. In some of the jails the number of undertrials lodged in a barrack is 3 to 4 times than its capacity.
- (b) Lack of essential and basic facilities like drinking water, proper lighting, adequate number of toilets, proper sanitation, etc.
- (c) Non-availability of copies of documents from courts and delay in trials.
- (d) Non-production in courts due to non-arrival of police escorts.
- (e) Facility of interviews not being allowed easily and frequently and malpractices by the jail staff in this connection.
- (f) Frustration due to incapability to engage a counsel or secure bail.
- (g) Idleness - their frustration increases as while sitting idle they are reminded more of the denial

of some of the facilities and privileges which they expect or deserve.

- (h) Locking-up together of all types of prisoners in congested conditions.
- (i) A feeling that they are innocent till they are convicted. Hence, they assert their rights more vehemently.
- (j) Less attention by jail staff to the undertrials for the following reasons:-
  - (1) Undertrials are considered as transient/floating inmates.
  - (ii) They are not available for work; idle force which cannot be utilised to help the jail staff or to work at its command.
- (k) Lack of knowledge or briefing about rules and regulations relating to the prison regime or the privileges to which they are entitled.

15.5. The following are our recommendations in regard to handling and management of undertrials specially from the point of view of security and discipline:-

- (i) Undertrial prisoners should at the time of admission be given a booklet in the local language, explaining the rules and regulations of the prison, the daily programme which they are to follow and their obligations and privileges. Briefing sessions for those who are illiterates should also be held. Newly admitted inmates often indulge in activities which may be against the prison discipline because of ignorance of rules and restrictions which apply to them and also the privileges to which they are entitled.

- (ii) The best arrangement would be not to keep the undertrials and the convicts in the same prison and to establish separate institutions for them as near the courts as possible. However, this is not likely to be achieved for quite some time due to financial stringency. Hence, to reduce over-crowding in the accommodation earmarked for the undertrials extra barracks/dormitories should be built. In many of the jails land for this is available.
- (iii) In the existing barracks for undertrials arrangements for segregation into smaller groups of 10 to 12 prisoners should be made, wherever possible, by raising partition walls and this should also be ensured in the new barracks which are to be built in future. Each of the smaller dormitories which is created in this manner should have attached toilets and adequate bathing facilities. Other facilities like those for drinking water, proper lighting and sanitation should also be ensured.
- (iv) At present, the jail authorities receive hardly any information from the police at the time of admittance of a remand or undertrial prisoner in the jail. The police should attach a note with the remand warrant giving a brief history and background of the prisoner and also mentioning whether he is an ex-convict. A similar note should be attached by the prison authorities with the remand warrant whenever a prisoner is to be taken out of the prison by an escort party and its attention should be specifically drawn to such a note.



- (v) Classification and segregation of undertrials is as important as that of convicts. Classification is not merely to know and assess each individual prisoner for the purpose of prescribing treatment programme but also to identify and segregate various undertrial prisoners from the point of view of discipline, control and safety. The Classification Committee should study the material received, if any, from the courts and the police and also interview thoroughly and patiently each undertrial to acquire full information about his history, social and family background, economic status, personal interests, etc. A personal file on each undertrial prisoner should be prepared by the classification committee. If this work is done with due thoroughness it should be possible to identify those prisoners who are first offenders, habitual offenders, dangerous persons, escapists, bullies, drug addicts, members of a gang, persons suffering from infectious diseases, persons capable of subverting or inciting others, etc. Action should then be taken to segregate all undertrials prisoners falling in these categories. In jails where no classification committees exist this work should be done by a committee consisting of the jail superintendent and one or two other senior officers of the prison.
- (vi) The warder staff which is responsible for day-to-day management and control of the undertrial prisoners lodged in wards should be briefed and trained to keep each of them under watch, on individual basis, and report to the jail superintendent all abnormal activities of the prisoners even if some of them appear insignificant.

- (vii) The behaviour of the prison staff towards the under-trials especially, should be humane, polite, decent, but firm. Even those undertrials who might be involved in serious crimes deserve sympathetic and courteous treatment.
- (viii) The undertrials should be extended all privileges and facilities in regard to interviews, correspondence, meetings with lawyers, etc. as are permitted under the rules. No favouritism should be shown to anyone.
- (ix) As the wards accommodating the undertrials are usually over-crowded and the prisoners are inclined to be more rowdy and indisciplined the warder staff detailed for duty in each such ward should be in adequate strength and strict supervision should be exercised over it.
- (x) - All efforts should be made to reduce idleness among the undertrials. Adequate wages should be given to them for working in jail factories/workshops or even for doing maintenance work. Reasonable wages and constructive vocational training for even short periods, which may be useful to an undertrial prisoner after his release, may be good incentives to make him volunteer to work.
- (xi) Recreation also helps in reducing frustration, tension and idleness. Hence adequate recreational facilities, including those of some indoor and outdoor games, should be provided but participation in these by the prisoners should be adequately supervised.
- (xii) The prison authorities should liaise with the Free Legal Aid Societies to arrange for legal aid for undertrials who cannot afford to engage counsels and

- 226 -

who are old and infirm.

- (xiii) Adolescent undertrials should be segregated from adult undertrials. Undertrials suffering from infectious diseases should be kept away from others.
- (xiv) Undertrials should be provided food from the jail kitchen and they should not be allowed to get cooked food from outside or to cook their own food in the jail. No concession should be extended to them in this regard.
- (xv) The Working Group on Prisons (1972-73) had recommended that a one-time review of the cases of undertrial prisoners should be done throughout the country simultaneously. This review was to be aimed at releasing straightaway or on bail, with or without sureties, those prisoners (i) who had committed offences only of a minor nature; or (ii) who were not habituals; or (iii) who had already undergone undertrial ~~detention~~ for periods longer than what they might be sentenced to; or (iv) whose cases had been ~~pending~~ for investigation with the police without filing the chargesheets for more than six months; or (v) investigation/trials of whose cases were held up because of one or more insoluble problems like difficulty in the conduct of identification proceedings of person or property, non-availability of witnesses, etc.

The Working Group had recommended that this review should be carried out by magistrates and judicial officers concerned with the assistance of the prison authorities for bringing the jail population to manageable proportions and also

for-reducing the heavy arrears in courts. This would have also enabled the police and the courts to concentrate on the cases of undertrial prisoners who constitute real threat to peace and good order. As the number of undertrials in the jails has been increasing constantly we recommend that such exercise should be done in the month of January every year.

- (xvi) As recommended by the Mulla Committee a review committee consisting of the District Magistrate, District Judge, Superintendent of Police, Superintendent of the Prison and Senior Prosecuting Officer should meet every month to discuss the cases of undertrials to ensure their expeditious disposal or possible release on bail. We strongly recommend that such review committees should be formed in each district and their monthly meetings should be made mandatory. As the members of these committees would be representing all the wings of the criminal justice system at the district level, they would also be in a position to discuss besides the problem of undertrials, other issues connected with the working and management of the prison. These committees should be different from the boards of visitors which consist of officials as well as non-officials and which normally visit the jails once in a quarter.

(xvii) Section 428 of the Cr.P.C. should be suitably amended so that the benefit under it is given only to those undertrials whose conduct it found thoroughly satisfactory during their confinement as undertrials in the jail. The State Government should lay down rules and prescribe a proforma for maintenance by the jail superintendent of a record of the conduct, disciplinary behaviour and punishments for each undertrial prisoner for the scrutiny by the court, if necessary.

15.6. The frequently recurring pattern of deluge-like prison admissions in the wake of political agitations, large-scale strikes in essential services and other major law and order situations pose a real challenge to the prison administration. To provide for their accommodation, food, clothing, water supply, medical attention, sanitation, interviews, production before courts on due dates and to maintain discipline amongst them the prison staff is put to great strain resulting in tension and lapses. Such agitators should not be lodged in normal prisons and for them separate camps should be established. They completely upset the prison regime and even in the prison they often indulge in raising slogans and in indisciplined behaviour if their demands are not met quickly. Their unruly conduct encourages other jail inmates towards indiscipline. If separate camps cannot be established for them, the following measures are recommended to meet the situation created by their sudden influx in large numbers in the prisons :-

- (i) The police and the intelligence agencies should pass on the information regarding such large admissions to the prison authorities well in advance.
- (ii) Authorities of every prison should prepare a contingency plan to meet such emergent situations. This plan should include vacation and preparation of existing accommodation, provision of additional accommodation, extra supply of water, and additional sanitary arrangements, requisitioning of medical and health staff, stocking of medicines, rations, clothing and bedding, arrangements for interviews for large number of prisoners, transport of prisoners from one institution to another, provision for extra kitchens and arrangement for additional permanent advance of funds to meet incidental expenditure which is bound to arise as a result of mass admission.
- (iii) Additional temporary structures including tents should normally be erected within the existing enclosures in order to prevent unrestricted movement of the prisoners all over the prison leading to problems of indiscipline.
- (iv) The difficult and trying process of admitting, housing and looking after thousands of agitation prisoners, throughout day and night, is likely to result in mistakes, lapses and irregularities unless additional staff is provided on the basis of some yardsticks. The Inspector General of Prisons should have power to sanction this additional staff.

(v) The following yardstick for additional staff is suggested to meet such emergent situations:

# YARDSTICK FOR ADDITIONAL STAFF

## Staff required

	Additional prisoners upto first 500	upto 1000	upto 1500	upto 2000	upto 2500	upto 3000	upto 3500	upto 4000 to 5000
Executive:								
Head Warders	1	2	2	3	3	3	3	4
Warders	5	10	12	15	18	20	22	25
Asst. Jailor	1	2	2	2	2	3	3	4
Deputy Jailor	-	-	-	-	-	-	1	1

## Ministerial :

Junior Assistant or U.D.C. .. 1 for every 500 additional prisoners over the authorised accommodation.

**Typist** .. 1 for every 2000 prisoners.  
1 Junior Assistant or U.D.C. to look after book-posting, etc. of Deputy Jailor when the population exceeds 3000 over authorised accommodation.

**Medical** .. District Medical Officer should depute the required staff in times of emergency. The Superintendents should contact the District Medical Officer concerned in times of emergency and make suitable arrangements. Suitable arrangements should be made to get more Staff Nurses also.

The following scale may be followed for the appointment of Pharmacists and Male Nursing Orderlies:

For every 1000 prisoners 1 Pharmacist.

For every 500 prisoners 1 Male Nursing Orderly.

**Sanitary** .. For every 1000 prisoners 6 scavengers may be appointed.

**Speical staff** .. For every 1000 prisoners 6 cooks may be appointed

(vi) In such situations a very heavy responsibility rests with the Superintendent of the Prison.  
He has to seek and achieve co-ordination with

other departments e.g. Water Supply, Health, Medical and Police. He has to secure the services of additional staff, deputed on loan basis or casually appointed and ensure effective supervision of their work. At any one point of time he should make sure that one officer at middle level and two officers at supervisory level are present in the institution to deal with the various problems that may arise. It is also necessary to provide for continuous office work to ensure communication with the Inspector General of Prisons, the Government, the Police Department, Hospital and other agencies.

15.7. COFEPOSA, NSA and several other statutes provide for detention of persons. Some of these detenus are very rich. They do not hesitate to buy favours. Some others are highly dangerous and are always on the look out for attack on prison staff and jail breaks. The following measures are recommended to meet the special requirements in their case :-

- (i) Detenus should be kept separate from other inmates for the institution.
- (ii) Extremists and violent detenus should be segregated from other detenus and lodged in special security prison or high security zone in a prison. Such zone should be completely segregated from the other areas in the prison by means of high wall.



- (iii) The staff selected for guarding and supervising the detenus should be honest, hard working and tough. The success in effective control over detenus will mainly lie in proper selection of the staff for them. Convict officers should never be posted on duty with detenus.
- (iv) The provision of separate diet for detenus should be abolished. Their food should be cooked in the main kitchen only.
- (v) The interviews of the detenus should be separately supervised so that such supervision is more effective.
- (vi) The facilities regarding diet, medical treatment, interviews and communications in respect of detenus should be the same as those for undertrials.
- (vii) The detenus should not be allowed to mingle with other inmates.
- (viii) Senior officers should themselves search the accommodation where the detenus are housed to ensure that no unauthorised articles are kept there.
- (ix) Lapses in regard to the security of detenus should be viewed very seriously.

CHAPTER XVI

PRISON PANCHAYATS

- 16.1. The Panchayat system was introduced in the prisons with the object of strengthening democratic and voluntary participation of prisoners in matters of ~~self-improvement~~ and discipline. The panchayats should provide an important channel to the prisoners for their self-expression and help the prison authorities to assess their feelings and responsiveness towards various programmes. The prisoners' panchayats should function as a useful medium for assessing the needs of the inmates and for establishing rapport between the staff and the inmates. The community living of the prisoners can be considerably enriched by these panchayats through various socio-cultural and moral activities. Thus, the prison panchayats are meant to inculcate a sense of responsibility and self-reliance among the inmates and to live in a cooperative, democratic and a disciplined manner.
- 16.2. The prison panchayats consist only of convicted prisoners and undertrials are given no representation although their number in most of the prisons is much larger. According to the jail authorities since the period of stay of undertrials in the jails is uncertain they are not given representation in the panchayats. The members of the panchayat are elected by groups of prisoners or nominated by the superintendent of the jail. The superintendent of the jail is usually its chairman. Prisoners involved in certain categories of offences or who are classified as habituals or who are not considered suitable by the jail

superintendent for some reason are usually debarred from election to the prison panchayat. The panchayat members help the administration in matters like sanitation, hygiene, cleanliness, running of kitchens, distribution of food and organising recreational/cultural activities. At some places, they are also required to bring to the notice of the jail administration grievances of the inmates. The main object of the panchayats in jails is to foster cooperation from the prisoners in jail administration and not to provoke antagonism between them and the jail staff.

16,3. During our visits to the jails we found that the general feeling among the jail officials was that the prison panchayats had not been much of a success. We were told that in some jails these panchayats instead of being useful to the administration had become a source of nuisance and indiscipline and they try to ventilate the grievances of the prisoners on trade union lines. Our overall impression was that the reason why the prison panchayats instead of being useful had been creating problems for the jail administration was that the jail officers had not been adequately supervising their functioning and had allowed them too much latitude in respect of their organisation, elections and working. In some States before the elections to the panchayats the prisoners are allowed to do electioneering inside the jails. ~~more or less~~ on political lines. For a number of days before the elections they are permitted to go about in the jail making speeches and raising slogans in

support of their candidates. Even distribution and pasting of handbills and posters and writing of slogans is being allowed. This must, naturally, be causing security and discipline problems. In some jails the same panchayat members manage to get elected again and again and become influential leaders and start adopting defiant and aggressive attitude towards the jail officials. Often, the staff members start depending too much on the panchayats and pass on their own responsibilities to them. In one State the management of the kitchens had been left entirely to the panchayats and its members were reported to have develop unhealthy nexus with the contractors, who supplied some cooking items, and were suspected of making money. It appeared that the jail officials had deliberately decided to keep away from the kitchen management due to the feeling that in the event of complaints regarding food matters the prisoners would blame the panchayats and not the jail administration.

16.4. For ensuring that the prison panchayats, wherever they exist, function in a disciplined manner and do not adversely affect the security, the prison administration should, in our view, take the following action :-

- (i) There should be no election for prison panchayats. Its members should be nominated by the jail superintendent.

- (ii) Undertrials as well as convicts should be represented on the prison panchayats.
- (iii) If a member of the prison panchayat is awarded punishment for any jail offence, other than the punishment of warning, he should be immediately removed from the panchayat by the jail superintendent.
- (iv) If a prison panchayat creates problems of discipline or security then it should be dissolved under the orders of the D.I.G./I.G. Prisons.
- (v) The panchayat members who do good work and help in inculcating healthy traditions in the prison should be rewarded, as per jail rules.
- (vi) The working of the panchayats should be limited to matters of self-improvement and purposeful community living and they should not be allowed to infringe upon the enforcement of the prison rules and regulations.

CELLULAR ACCOMMODATION IN INDIAN PRISONS

17.1. In the western countries, the accommodation for the inmates in the prisons has from the very beginning been mostly in the form of single cells. Only one prisoner is usually kept in a cell but in the event of overcrowding two or three prisoners are lodged there. Keeping of prisoners in single cells is advocated in the western countries both from the point of view of security and their reformation and rehabilitation. Individual cell (or room) housing meets the goals of decency and humaneness and it provides better flexibility and security. Single cells with attached toilet facilities and equipped with some basic needs for prisoner's convenience (like beds, chairs, and wardrobes) offer privacy and dignity and contribute more to a normal residential character and reduce management problems. A single cell also provides opportunity to its occupant to study and pursue some other activities of his interest, as permitted under the prison rules.

17.2. Single cells or rooms provide the following advantages from the point of view of security:-

- (i) They reduce the likelihood of conflicts that occur in multiple-occupancy housing i.e. barracks/dormitories.
- (ii) Individual cells/rooms enhance the staff ability to handle disruptive elements since each prisoner can be locked in his cell in the event of a disturbance. Such control cannot be exercised in a dormitory or barrack.
- (iii) Searches of inmates and their cells/rooms can be done more conveniently & thoroughly.

- (iv) A prison with single cells/rooms is more flexible to accommodate different types of inmates. This factor is particularly important in view of the changing character of prisoners during the course of time.

17.3. Locking of prisoners in separate cells/rooms does not mean their complete isolation or solitary confinement. All these prisoners, except those who are considered dangerous or high security risks, are taken out every day, as per prison programme, to associate with other inmates and for participation in work and educational programme and recreational and cultural activities. Thus, in western countries lodging of each prisoner in a separate cell/room is a part of the plans to make prisons into institutions for reformation and social rehabilitation of the inmate. There is also greater effort towards making these cells less into the shape of 'cages' but more in the form of normal single rooms and duly fortified through sophisticated techniques so as not to dilute the requirements of security.

17.4. In some of the Asian countries, too, like Japan and Hong Kong, where the objective of making the prisons into correctional institutions, without affecting the security and discipline, is being pursued with considerable zeal and interest, most of the inmates of the prison are kept in single cells/rooms with as many facilities, as possible for personal convenience and comfort. In a dormitory in the prisons of these countries the number of inmates is generally not allowed to exceed beyond six.

17.5. The Indian prison system has from the very beginning been evolved on the basis of keeping prisoners in big groups in large barracks/dormitories. In central and district jails a few cells are also provided but these are meant to keep only those prisoners who are high security/escape risks, punishment cases, lunatics and those suffering from infectious diseases. Prisoners who are to be kept in solitary confinement under court orders are also lodged in such cells but in different blocks. A significant feature of prisons in India is that all accommodation for the prisoners, barracks as well as cells, is built in the form of 'cages' with maximum use of steel grills, gratings and bars. Not only the cells look like strong cages built for dangerous and ferocious animals in a zoo but even the barracks are not dissimilar from them except that they are of larger dimensions. The cells in many of our prisons are not provided even with the basic facilities of toilets or adequate lighting. In most of the jails an earthen pot is kept in one corner of a cell for the inmates to ease himself and the persistent sight of all the filth and the constant foul smell become a part of his life. No furniture or even a cot is made available to a prisoner kept in a cell. A few such facilities are, however, provided to the prisoners of 'higher social status' lodged in cells. The prisoners living in the cells are taken out for fixed periods for work programmes and for association with other prisoners and those in solitary confinement are not permitted to see or meet other inmates.



17.6. Thus, in Indian prisons, including those which claim to have initiated measures for reformation programmes, all inmates are kept in 'cages', big or small. There is also no appreciation of the fact that for promotion of all correctional and reformation programmes segregation of prisoners and keeping them in smaller barracks and, as far as possible, in single cells, with basic facilities for human convenience, is essential. Even where new prisons are being built there is emphasis on constructing big barracks in the form of large cage-like structures. The living conditions are deliberately being made harsh and punitive. While in western countries providing of single cell accommodation for each prisoner with as many facilities as possible, but without compromising the needs of security, is considered essential for reformation and rehabilitation of the inmates in our prisons cellular accommodation is meant to emphasise the punitive and harsher aspect of imprisonment. It is for this reason that confinement in a cell is one of the punishments prescribed under the Prisons Act for the offences committed by a prisoner while in custody in jail. The Supreme Court has also recognised the harsh character of confinement in cells in our prisons and in its recent orders, restricting the powers of punishment, as delegated to a Jail Superintendent under the Prisons Act, for offences committed by the prisoners while in confinement, it has given special directives in regard to cellular confinement.

17.7. We are of the view that if the Indian prisons are to follow the objectives of correction and reformation then the present housing policy for lodging the prisoners

in the jails should change. Scientific classification of prisoners should be followed by their segregation by keeping them in smaller dormitories and to the maximum possible extent in single cells (we would like to call them rooms) where the prisoners can live in a more peaceful and calm atmosphere and where they would have privacy and opportunity to meditate, study and think and pursue some of the activities of their personal interest, but permitted under the jail rules. This will also meet the goals of better security and discipline.

17.8. The following are our recommendations:-

- (i) The prisoners in a jail should be segregated into as small groups as possible and kept in very small dormitories/barracks and, as far as possible, in single cells/rooms.
- (ii) The living accommodation for the prisoners should, as far as possible, be given a humane and normal residential character without sacrificing the requirements of security. The practice of making dormitories/barracks and cells in the form of cage-like structures should be stopped. More sophisticated methods of making these buildings safe and secure should be devised.
- (iii) Basic minimum conveniences in the form of attached flush toilets and furniture should be provided in these barracks and cells. For the accommodation meant for keeping an individual prisoner the nomenclature of 'cell'

should be given up and it should be called a room. In our view the requirement of secure confinement can be devised in the living quarters of the prisoners without too much overt display of steel.

- (iv) Persons living in the rooms should be provided as much opportunity as possible, during fixed hours and in accordance with the prison routine and the rules of discipline, for association with other inmates to participate in work programmes and recreation and cultural activities.
- (v) When all 'single cells' have been converted into 'single rooms' by removing their visible formidable looks and providing in them minimum basic facilities for the prisoners then the punishment of 'cellular confinement' should be deleted from the Prisons Act, 1984.
- (vi) For disciplinary, preventive or security reasons it may be necessary to separate some prisoners from the main prison population for short periods. Some prisoners may also have to be kept separated from others under court orders such as those awarded punishment of solitary confinement. Segregation accommodation may be required for this purpose. The following are some of the types of inmates who may have to be kept in such accommodation and their confinement may vary from a few days to months:-

(a) Administrative segregation:

Separation of some inmates from the general population may be necessary when they are being investigated against for some prison offence or

violation of some rules/regulations of the institution.

**(b) Protective Custody ;**

Inmates and kept in protective custody when they would be in danger if they remained in the prison population. If their number is not too large, they can be put in the unit for administrative segregation. Before placing an inmate in protective custody the possibility of his transfer to another prison should be explored.

**(c) Disciplinary Detention:**

Such action may be necessary for violation of some rules/regulations or commission of some prison offense by a prisoner after receiving a hearing from the superintendent or the jails disciplinary committee (if any such committee has been formed). Disciplinary detention should be separate from the area where cases of administrative segregation and protective custody are kept.

**(d) Preventive Confinement:**

Such confinement may sometimes be necessary as one of the preventive measures which the jail superintendent may have to take against some aggressive and difficult prisoners. Attention is also invited to para 12.20 of Chapter XII of this report.

**(e) Solitary Confinement Segregation:**

In this unit prisoners who have been awarded the punishment of solitary confinement by the courts should be kept. All mandatory directions and instructions regarding confinement and care

of such inmates should be strictly followed. The unit for solitary confinement should be located separately from all other buildings.



CHAPTER XVIII

ESCORTS OF PRISONERS OUTSIDE JAILS

18.1. One of the important points connected with the security of prisoners is their escort to destinations outside the prisons. Prison inmates have to be taken out frequently escorted to and back from courts for hearings and trials, to hospitals for treatment or transfer to other jails within and outside the State. Though the process of escorting prisoners to various places from the jail and back constitute a vital link in the overall security of prisoners, the planning and proper execution of escort duties seem to get a low priority and do not receive the meticulous attention which they deserve. In fact, it is generally felt that under the existing system escapes of prisoners during transit are comparatively easier than escapes from prisons. Incidents of escapes during transportation of prisoners from one place to another are being reported frequently. Quite often high security prisoners or who are known to be dangerous or escape-risks manage to escape from the custody of escorting parties. In our country, escorting of prisoners to places outside the jails is generally the responsibility of the police and only in cases where prisoners have to be taken out for urgent medical treatment and police escorts are not readily available the sick prisoners

are taken to hospitals/doctors in the custody of prison staff. The police parties to whose charge prisoners are entrusted by the jails for being taken to place outside the jails do not form part of the prison administration and they function under the directions and control of the concerned Directors General/Inspectors General of Police. Hence, normally, all matters connected with the functioning of the escort machinery and short-comings and weaknesses in it would form part of the study of the police system. We, however, decided to examine this matter as it is vitally linked with the security of prisoners lodged in jails. Also, frequent escapes from custody of escorts during movements in areas outside the prisons may provide encouragement to other prisoners confined inside to conspire and plan to escape as and when they are taken out of the jails.

18.2. In the Criminal Writ Petition No. 1079/79 filed by a prisoner Prem Shanker Shukla lodged in Central Jail, Tihar, Delhi complaining against his handcuffing and that of other prisoners, the Supreme Court gave the following rulings:

- i) that no prisoner shall be handcuffed or fettered routinely or merely for the convenience of the custodian or escort;
- ii) that it is arbitrary and irrational to classify prisoners for purposes of handcuffs, into 'B' class and ordinary class; no one shall be fettered in any form based on superior class differentials as the law treats them equally;
- iii) that the Punjab Manual in so far as it puts the ordinary Indian beneath the better

- class breed (paragraph 26.21A and 26.22 of Chapter XXI) is untenable and that the Indian humans shall not be dichotomized and the common run discriminated against regarding handcuffs;
- iv) that the provision in para 26.22 that every undertrial who is accused of a non-bailable offence punishable with more than 3 year prison shall be routinely handcuffed is violative of Articles 14, 19 and 21; so also paras 26.22 (b) & (c);
- v) that this order shall be obeyed from the Inspector General of Police and Inspector General of Prisons to the escort constable and the jail warder viz. that the rule regarding a prisoner in transit between prison house and court house is freedom from handcuffs and the exception, under condition of judicial supervision, will be restraints from irons, to be justified before or after;
- vi) that the judicial officer before whom the prisoner is produced to interrogate the prisoner, as a rule, whether he has been subjected to handcuffs or other "irons" treatment and, if he has been, the official concerned shall be asked to explain the action forthwith in the light of the judgement contained herein.



18.3. In their judgement, the Supreme Court held that handcuffing was prima facie inhuman, unreasonable and overharsh. The Court mentioned that the prisoners were being handcuffed or fettered in a routine and mechanical way. It, at the same time, accepted that in some special circumstances "application of iron" might be necessary but such cases should be exceptional and subject to "judicial supervision." Valid justification, in writing, about the dangerous and desperate character of the prisoner and the possibility of his escape, if not handcuffed, should be submitted by the escort officials to the court "before or after" and obtain its approval. The Supreme Court held that for handcuffing a prisoner there should be tangible testimony, documentary or otherwise, of the desperate behaviour of the prisoner and of the likelihood of his escape and mere averment that he is a "crooked or desperate, rowdy or maniac cannot suffice". The Court also held that increasing the strength of escorts and taking the prisoners in well protected vans might help in avoiding the need for handcuffing. It also recommended special training of the escort police.

18.4. The Government of India have, from time to time, drawn the attention of the State Governments to the practice of the police handcuffing the prisoners and persons arrested by it as a matter of routine and advised that the police should normally handcuff a prisoner only when he was violent, disorderly, obstructive or was likely to attempt to escape or commit suicide. It also pointed out that ordinarily there should be no occasion to handcuff persons occupying good social position, writers, educationists

and well-known journalists.

18.5. We are of the view that before the above judgement of the Supreme Court, the police escort parties had been generally handcuffing the prisoners in a routine way while transporting them to various places, including courts, from the jails. This was, perhaps, not from any instinct of mal-treating prisoners or as a measure of punishment to them but mainly due to the following reasons:-

- (a) non-availability of adequate police force for escorting the prisoners;
- (b) non-availability of prison vans for transporting the prisoners; at some places such vehicles are not available, at all, and prisoners are taken to courts on foot;
- (c) non-availability of information from the concerned police authorities or the jails about the prisoner's antecedents, character, behaviour or conduct; the prison authorities generally do not give any information to the escorts whether a particular prisoner had ever escaped or attempted to escape or whether his conduct in jail standards or whether he had suicidal tendencies;
- (d) the prisoner may not have any past history of escape from custody; even a highly dangerous prisoner may behave in a docile and well disciplined manner in the jail or while being escorted in order to gain confidence of the jail/police authorities the custodial authorities may, thus, not treat him as escape risk and he might manage to escape by taking advantage of the situation;

- (e) the training of the police personnel in the technique of escorting prisoner, the rules and regulations in this regard and the precautions which should be observed is generally deficient;
- (f) delay in receipt of requisition for the escorts from the courts or the jails; generally this requisition is received by the police late in the evening of the day previous to that on which the escort is needed; the police personnel are then mobilised hurriedly for forming the escort party and no briefing by any senior police officer is generally done;
- (g) incidents of escapes of prisoners from police custody are being reported frequently;
- (h) in the present atmosphere of increasing lawlessness, violence and agitation, propensities of aggressiveness, unruliness and defiance among the prisoners are coming to notice more and more.

18.6. The jail and police manuals indicate the strength of escort parties which should be detailed for escorting different number of prisoners and taking them by various modes of transport. They also lay down the arms and equipment which these escorts should carry. A perusal of these manuals would show that the scales of escorts as worked out many years back were such as to require a small number of police personnel to escort big groups of prisoners. Quite often the total number of personnel in an escort party would be less than even half the number of prisoners. It is obvious that these scales were worked out on the presumption that a good number of prisoners to

be escorted would be in handcuffs, fetters etc.

18.7. In view of the greater preoccupation of the police with law and order matters and constant shortage of manpower, planning and proper execution of escort duties generally receive low priority. Elaborate instructions exist in the various jail and police manuals regarding escort duties. Strict adherence to the rules and instructions would, no doubt, prevent most of the escape bids. This has, however, remained neglected and analyses of the escape cases show that a majority of them occur primarily due to slackness and negligence on the part of the escort parties or involvement in corrupt practices by its personnel. There are, of course, a number of instances of determined attempts by associates of prisoners to free their colleagues and the vitiated law and order environment in some parts of the country has enhanced the possibilities of such efforts. It also needs to be borne in mind that the escort personnel who are low-paid employees are vulnerable to various temptations. Interested persons and influential prisoners adopt various tactics and ploys to win over the confidence of the escort personnel through offers of money, drinks and gifts in order to slacken their vigilance over their charges. The escort personnel were sometimes influenced to allow prisoners to be taken to places other than courts, on their way out and back to the prison, and even taken to chambers of lawyers unauthorisedly. Under pressure or temptation, they sometimes permit eatables and drinks to be passed on to the prisoners without the permission of the court.

18.8. The various shortcomings in the existing procedures of the escort system are enumerated below:-

i) The scales of escorts and requirement of transport, equipment etc., as provided in the police and jail manuals, were worked out long time back and they are inadequate in the light of Supreme Court directives regarding handcuffing of prisoners and increasing number of dangerous, violent and difficult prisoners. Even the existing norms are, at times, not adhered to due to lack of proper perspective and appreciation at the junior levels and more often due to inavailability of adequate police strength and commitment of the force on more urgent law and order duties.

ii) Little or no attention is paid to proper selection of men for escort duties, especially in respect of their physical fitness or aptitude. Very little planning goes into detailing of escorts and the police escorts are not properly briefed regarding their responsibilities. Their equipment is not checked by senior officers before the men are detailed.

iii) The .303 rifles normally carried by escorts cannot be effective to ward off attacks with the use of sophisticated weapons. It is also a cumbersome weapon for being carried in crowded prison vans.

iv) The equipment carried by escorts like handcuffs and chains are at times inefficacious and even defective.

v) Police escorts are normally not made available in time, especially when the number of prisoners that is required to be produced in courts or transported is large.

vi) No specialised training is imparted in connection with duties related to escorts.

vii) On account of inadequate police strength, the escorts have to perform long hours of duties which invariably leads to slackness and lack of alertness.

viii) Not only the number of prison vans available for transporting prisoners is inadequate, but they are not properly equipped, especially for carrying dangerous and extremist elements. The use of public transport and rail is fraught with security implications as these permit easy contact of prisoners with their associates and gang members.

ix) Intimation about the number and nature of undertrials to be produced in courts is often not conveyed to the police well in time to allow for proper planning. The information conveyed is sketchy, and at times, inaccurate and does not contain adequate details about the propensities for escape of the prisoners to be escorted.

x) In most of the States, the judicial lock-up located in the courts are insecure. In some States, there are no separate court lock-ups and prisoners are kept in open yards. In some places, the prisoners are generally kept in verandhas outside the court rooms. Contact and interaction with the public and relatives and transmission of contraband become relatively facile.

xi) The court lock-ups in various States are improperly located from the security point of view. At places, the prejudicial lock-ups are situated at some distances from the actual courts with the result that

even dangerous prisoners have to be escorted on foot from the lock-ups to courts, providing opportunities for determined groups to make rescue bids.

xii) Court lock-ups are at places not sufficiently spacious resulting in overcrowding and thereby hampering closer supervision and control.

xiii) Toilet and drinking water facilities in most of court lock-ups are inadequate and the prisoners are required to be taken out to public utilities for such purposes, thereby providing scope for escape attempts.

xiv) Considerable difficulty is being experienced by the liberal attitude of the courts and some restrictive court rulings. Restrictions imposed by Supreme Court on the use of handcuffs on prisoners during their production in courts have been discussed earlier. Instances have been reported where influential undertrials have threatened the jail authorities with contempt of court proceedings when they ventured to handcuff the prisoners during transit in the interest of security. This restriction requires detailing of a large number of policemen which in turn poses problem on account of non-availability of adequate police manpower.

xv) The courts have also been liberal in granting interviews not only to the relatives and friends of the prisoners and also in allowing food and other articles to be given to the prisoners during escort. These provide opportunities for transmission of contraband and for unauthorised communication by interested elements.

xvi) Escorts are often not provided with money advances to meet exigencies like expenses for feeding prisoners. This tempts them to accept hospitality from relatives and associates of the prisoners.

xvii) Prolongation of and delay in trials and repeated adjournments in hearings result in greater exposure of the prisoners to outside forces and increased security problems.

xviii) The Supreme Court has desired that women prisoners should be escorted by women escorts.

Inadequate number of women police in the states has been posing problems for such duties.

xix) Prisoners have to be escorted to hospitals for treatment or admission. In most of the states, no special or separate wards with proper security arrangements have been earmarked for treatment/admission of prison inmates and interaction and contact with outsiders and relatives become easy. Moreover, proper facilities for the police guards do not exist at the hospitals.

xx) Escorting prisoners through the crowded streets of big cities presents serious security problems. Prison vans have often to stop at different traffic points and these provide opportunities to interested groups to launch attacks to free prisoners. Instances were reported when chilly powder was thrown into the eyes of escort parties in attempts to rescue prisoners.



18.9. Our recommendations to improve the procedure and security of the escort system are as follows:-

- (i) In the light of the Supreme Court's directive that a prisoner should be handcuffed in exceptional cases, it is necessary that the old yardstick and the norms for the strength of the escort parties for different number of prisoners and for journeys by various modes of transport, as given in police/jail manuals, should be revised. The Ministry of Home Affairs, Government of India, may appoint a committee consisting of officers from police and jail departments to examine this matter and make necessary recommendations. However, even before this committee is appointed, early action is required to increase on ad hoc basis the strength of the police force sanctioned for escort duties in each district in the light of the Supreme Court directives. A minimum of at least two policemen would, now, be needed to escort one prisoner during short journeys. In cases of some prisoners as many as 3 to 4 policemen, per person, would be needed.
- (ii) The directive of the Supreme Court in Prem Shankar Shukla case regarding handcuffing should be re-examined in the context of the deteriorating security environment. The escort parties should have full discretion, without condition of judicial supervision, to decide whether a prisoner should be handcuffed or not. Necessary legal provisions should be made for this. At the same time, the handcuffing of prisoner should be avoided, as far

as possible, and it should not be done in a routine manner. Proper guidelines for this purpose should be prescribed by the State Governments and the district police authorities should ensure their strict compliance. Till the action suggested by us is taken the following procedure should be followed:-

Where there is advance information available that a prisoner is of desperate or dangerous character, or is an escape risk or has suicidal tendencies, the police officer in-charge of the escort should seek prior permission of the court to handcuff him, if necessary. There have, however, been cases when highly sophisticated prisoners planning to escape behaved like models of good and disciplined conduct while inside the prison and gave no ground for suspicion. In such cases, neither the jail authorities nor the police would have any material to convince the court for justification for handcuffing the prisoners. However, a prisoner whose escape would be highly dangerous to the public or to the police or to the security of the State should, in our view, be always handcuffed and prior permission of the court should be obtained for the same after providing necessary information about his background. If due to some unavoidable reasons there is no time for obtaining the court's permission in advance, it should be informed about transporting the prisoner in handcuffs, as quickly as possible.

(iii) The escort personnel should be put through specialised training in connection with their duties.

(iv) The strength of the escort parties should be suitably augmented when long journeys or long hours of duty are involved so as to allow for relief and rest by rotation. For escorting highly dangerous persons, the strength of escorts should

be adequate and a supervisory officer of the rank of Dy SP or Inspector detailed with the escort party.

The strength of escorts should be sufficient to meet situations like enabling the prisoner to attend calls of nature.

(v) Checking of hand-cuffs, locks and chains should invariably be carried out. For long journeys the escort party should also carry torches and Very Light Pistols.

(vi) The number of prison vans in the states should be increased. Prisoners should normally be escorted in prison vans as far as possible. In case of dangerous criminals, two vehicles should be detailed, one with W/T communication. For long journeys, detailing of an additional armed guard in a separate vehicle may also be considered. As far as possible, the escorts should complete the journeys before dusk and when the visibility is good.

(vii) Escort parties must invariably be briefed by senior police officers about the nature of their duties and responsibilities and in particular, fully acquainted with the nature and background of the prisoners to be escorted.

(viii) A drill should be evolved so that at the time of admission of the prisoner into the jail, the police intimates the jail authorities his background and antecedents. This is specially essential in respect of terrorist/extremist prisoners. The jail authorities, in turn, should give advance intimation to the police officers from whom escort is asked for about the prisoners to be escorted in regard to the following points:-

- (a) those who are known to have escaped or attempted to escape;
- (b) prisoners whose conduct in jail has been undesirable or who have been adjudged dangerous from the jail standards;
- (c) prisoners forming members of a gang and when some of them are to be escorted together;
- (d) prisoners who are inclined to be aggressive and indisciplined or are likely to incite other prisoners to indulge in such activity;
- (e) prisoner about whom there is information that he has suicidal tendencies.

The jail authorities will be able to furnish the above information only when they monitor activities of all prisoners, including undertrials, and keep records on each of them.

(ix) Communication of information, well in advance, to the officer who is responsible for detailing escort parties about the specific number and type of prisoners is essential. It is on the basis of this information that the strength of the escort party, its composition, arms, transport requirements etc. are decided. In addition to the details about the prisoners mentioned in sub-para (viii) above, which should be intimated by the police and the jail authorities, a system of colour coding, i.e. use of forms of different colours, should be introduced. For high security and escape risk prisoners, a form of specific colour for communicating the required information may always be used. A form of this colour

should also be used by the police, for the first remand for a prisoner, as having arrested him initially it would be aware of his nature, background etc. Similarly, the jail authorities should send their requisitions with various details for escorts for high risk prisoners in forms of specified colour.

(x) For escorting high security-risk prisoners, the escort party should be armed with sophisticated and automatic weapons instead of .303 rifles and revolvers. Provision of sten guns and even LMGs in appropriate cases could be considered. However, the guard in immediate proximity of the prisoner should preferably be unarmed in order to avoid over-powering and snatching of his weapon.

(xi) At the time of taking out prisoners from jails, they should be subjected to a thorough search so that no offensive or other material which can facilitate escape, remains undetected. Similar searches should also be conducted at the time the prisoners return to the jails. Adequate training in conducting searches should be given to the police and jail staff.

(xii) Whenever escorts have to travel in trains, it should be ensured, as far as possible, that separate compartments are reserved for such escorts.

(xiii) For long hours of duty the escorts should be provided with some advances or imprest amounts so as to

meet the expenses on food and thereby avoid acceptance of hospitality from the associates or relatives of their charges.

(xiv) Proper accommodation in the courts should be provided for escort parties in order to enable them to exercise effective control over the prisoners.

(xv) Escorts should be properly and regularly briefed against permitting communication and interaction with unauthorised persons. No contacts, interviews, conversations or passing of any food articles in courts and during transit should be allowed without permission from courts. The escorts should also thwart attempts on the part of their charges to gain their confidence which could lead to relaxation of vigilance and acceptance of food, drinks and other forms of hospitality.

(xvi) All persons permitted by the escorts to the prisoners during transit and in the court premises should be subjected to proper screening and search. For this purpose, the provision of hand-held metal detectors in the courts should be considered.

(xvii) As far as possible, trials of dangerous criminals should be completed expeditiously and adjournments restricted to the minimum. The courts should also be requested not to be liberal in granting interviews and any preferential treatment to such prisoners.

(xviii) In the case of dangerous criminals, efforts should be made, as far as feasible, to have the trials held in jails.

(xix) The jail hospitals should be fully equipped to treat most types of ailments and only very serious types of diseases should be referred to outside hospitals. Wherever possible, specialists should visit the jails for treatment of serious cases. In the hospitals, special wards with proper security arrangements should be set apart so that these can be adequately guarded and access to outsiders restricted. All general hospitals should have separate well-guarded prison wards. The period to be spent in hospitals should also be kept restricted to the minimum and jail doctors should be advised not to recommend treatment of prisoners outside jail hospitals unnecessarily.

(xx) For transportation from jails to hospitals, it would be advisable to provide vehicles to the jail authorities as requisition of police escorts at short notice often entails problems.

(xxi) For journeys in cities, as far as possible, escorts should be advised to avoid halting in congested areas where offensive material can be used against them.

(xxii) During long journeys, the escorts should make halts at places where there are police locks-up or prisons to enable prisoners to attend calls of nature and other

exigencies enroute. At other places, where calls of nature have to be attended to, it should be ensured that the prisoner concerned is kept properly secure through long chains and also not allowed to stray beyond the close proximity and the direct vision of the guard at any time.

(xxiii) It should be assured that the prisoners are given their meals before undertaking journeys outside the jails so as to obviate the need for such meals enroute or in the courts. In case halts are unavoidable, such halts should be made only at places which are not congested and the food to be served should be tested before it is served.

(xxiv) As some areas like court premises and hospitals constitute soft areas, which are prone to escape bids by determined groups, some additional armed guards to work as reinforcements or striking force in such areas may be considered. This arrangement would be useful whenever important terrorists and high security risk prisoners are produced in courts or brought to hospitals.

18.10. An important point to consider is whether the responsibility for escort of prisoners from jails to places outside it should continue with the police, as is the position throughout the country, or it should be transferred to the prison department. The present position involves a contradiction inasmuch as that while



the prison inmates are legally under judicial custody for escorting them to places outside the prisons they are entrusted to the charge of the police; we are told that in most of the western countries all escort duties relating to the prisoners are performed by the prison staff. During our visits to the States we discussed this matter with the officials of the police as well as the jail department. We found that the police officers generally considered that the responsibility for escorting prisoners to destinations outside the jails was an avoidable burden on the police department and they acknowledged that they were often not in a position to provide escorts or adequate escorts for taking the prisoners from jails to courts and other places. Many of them, at the same time, felt that it would not be advisable to entrust this responsibility, at this stage, to the jail department because of lack of training, and inadequate calibre and efficiency of the jail staff. The officials of the jail department generally complained against the indifferent attitude of the police towards providing escort parties for taking prisoners to various destinations outside the jails. They were, however, not in favour of transferring the escort duties to the jail personnel. There was general apprehension that as the jail department had constantly been receiving low priority from the State Governments it might never be provided with adequate staff and other resources, including transport, fire-arms, communication apparatus, etc. for undertaking escort duties. They also referred to inadequate training of the jail personnel

and their lack of experience in dealing with the public. They felt that in case of an escape police would be in a better position to initiate prompt enquiries. We are of the view that at this stage the existing arrangements of police doing the escort duties should continue. The police, besides being better trained, more professional in their approach and better equipped, have better knowledge of the local area and can, therefore, meet emergency situations like escapes and attacks by outside elements more effectively. It is, however, essential that the manpower and other resources of the police for escort duties should be augmented early, not only in the context of the Supreme Court directives but also in view of increasing numbers of dangerous, difficult and high risk prisoners. In most of the states the police personnel for escorts are provided from the armed police reserve and from the civil police. Due to heavy pressure of law and order and other duties adequate number of men from among these two wings of the district police are seldom available for escort duties. Their training, calibre and general efficiency for such duties, which require constant alertness, is not upto the mark. We are of the view that each state should create a separate wing in the police on the model of the state armed police battalions for escort duties and it should be duly equipped with vehicles, communication apparatus and other equipment. Smaller units of this force should be posted in various districts exclusively for escort duties and the district police officers should be debarred from using it for any other purpose.

18.11. The long range objective, in our view, should be to entrust all escort duties relating to prisoners in judicial custody to the jail department. This should, however, be done only after the prison system has been overhauled by providing adequate staff and other resources and improving the training, discipline and efficiency in the jail service. A separate force of the prison personnel, as recommended above for the police, should be created in the prison department for undertaking escort duties and small units of this force, with necessary transport and other resources, should be posted by the Inspector General Prisons in different jails for meeting the requirements of escorts. If necessary this force under the IG Prisons may be delegated some police powers to the requisite extent.

18.12. We have referred to the prevailing situation of insufficient cooperation and at some places even of mistrust among the officials of the jail and police departments. This has been having adverse effect on matters connected with security, discipline and management of prisoners, both inside and outside the jails. We have recommended elsewhere the need for monthly coordination meetings between senior district officials of the judiciary, magistracy, police, jails, PWD and the medical department. Even if due to some reasons these meetings are not held regularly, appropriate coordination between the police and the jail authorities, at district level, and at places where sub-jails are located is very necessary, to ensure detailing of adequate escort parties regularly

and to plug the loopholes in the implementation of rules relating to escort of prisoners and to meet the problems in escort duties that arise due to developing situations.

18.13. Following some recent escapes of a few dreaded Punjab terrorists from the custody of police escorts, detailed guidelines regarding the escort of terrorists and high security prisoners were conveyed by the Ministry of Home Affairs to all the States and we recommend that they should be strictly followed.

18.14. Due to their pre-occupation with law and order and other duties, the senior police officers of a district generally pay little attention to the need for streamlining the arrangements which are made from day to day for escort of prisoners by the police from jails to courts and other places. This work is usually left to junior police officials and they detail escort parties in a mechanical and routine manner. In the context of changed security environment and increasing incidents of escapes, even of high security prisoners, from the custody of police escort parties, it is essential that the senior police officers of the districts should pay greater attention to the existing system of police escorts in their areas. Mere adherence to general guidelines and rules and regulations is not sufficient. Each area has its specific and special requirements depending on the local conditions

and security vulnerability. A survey of the routes which are generally adopted by the escort parties while taking the prisoners from jails to the courts, hospitals etc. should be done and detailed instructions issued and reviewed from time to time. The senior officers of police of the level of DsIG, IsG and DGs generally treat the subject of escort of prisoners as a low priority item. It is high time that this important matter received greater attention from them. We suggest that the Ministry of Home Affairs, Government of India, may have this subject included in the agenda of the next conference of DGs/IsG Police so that this vital aspect of police responsibility is examined at the highest levels of police hierarchy and experiences of various states are pooled together. This conference may, if necessary, consider appointing a committee to make an in-depth study of the subject.

सत्यमेव जयते

## CHAPTER XIX

### COURT DIRECTIVES AND RULINGS

19.1. In recent years the Supreme Court has given a number of rulings and directives regarding the prison administration. Many of them are meant to improve the treatment of prisoners by the prison officials and ensuring that the prisoners are not denied the rights and privileges to which they are entitled. Some of the rulings/directives of the Supreme Court have, however, had the effect of diluting the powers of prison officials to impose punishments and restrictions on the prisoners, in certain circumstances, as delegated to them by the Prisons Act and the prison regulations. This has created problems of security and discipline in the prisons. The number of writ petitions and other complaints filed in courts by the prisoners against the jail administration and based on false and frivolous grounds has also been increasing. This has resulted in considerable demoralisation among the staff. Some of these directives were given by the Supreme Court in its judgement in a particular case involving torture of a prisoner by a specific jail official. This individual incident, though in itself very serious, appears to have led to generalisations by the Court with adverse presumptions being drawn against the jail administration of the entire country. Some of the judgements that were brought to our notice which are stated to have effected the prison administration in the context of security and discipline are discussed below.

#### 19.2. Sunil Batra's case I (W.P. 2202/77)

Sunil Batra, a convict under sentence of death, challenged the solitary confinement sought to be supported

by the provisions of Section 30(2) of the Prisons Act; and Charles Sobraj, an undertrial prisoner, challenged the action of the Superintendent of the jail putting him into bar fetters for an unduly long period. The rulings and observations by the Supreme Court in this case are summarised as below:-

(i) While examining the validity of a pre-Constitution statute in the context of the modern reformist theory of punishment, the necessary concomitants of the fact of incarceration, the security of the prison and safety of the prisoner are to be kept in the forefront. The Court has to strike a just balance between the de-humanising prison atmosphere and the preservation of internal order and discipline, the maintenance of internal security against escape and the rehabilitation of the prisoners.

(ii) Solitary confinement can be ordered by the court only and that, too, within the limits prescribed by Section 74 I.P.C. The prison authorities have no power to order solitary confinement of any prisoner.

(iii) Separate confinement and cellular confinement for a short prescribed period as punishment for prison offences are different from confinement u/s 30(2) of the Prisons Act. Even Section 30(2) does not empower a prison authority to impose solitary confinement upon a prisoner under sentence of death.

(iv) Section 30(2) of the Prisons Act merely provides for confinement of a prisoner under sentence of death in a cell apart from other prisoners and he has to be placed day and night under the charge of a guard. Such confinement can neither be cellular nor separate. The phrase 'to be confined in a cell' does not mean a 'solitary cell' and 'apart from all other prisoners' only connotes that in a cell where there is a plurality of inmates the prisoner under death sentence will

have to be kept separate from the rest in the same cell, but not too close to other and under a guard. The sub-section, understood in the correct setting, bluntly excludes any trace of severity and merely provides for a protective distance being maintained between the prisoner under death sentence and other prisoners, although they are accommodated in the same cell and are allowed to communicate with each other, eat together, see each other for all practical purposes and continue community life.

(v) Prisoner under sentence of death in the context of Section 30(2) is the prisoner whose sentence of death has become final, conclusive and indefeasible by any judicial or constitutional procedure. Till then the prisoner who is awarded capital punishment cannot be said to be a prisoner under sentence of death in the context of Section 30(2).

(vi) Classification according to sentence for security purposes is valid. Under Section 30(2) the prisoner cannot be completely segregated except in extreme cases of necessity. Hence Section 30(2) does not violate Articles 14 and 19 of the Constitution.

(vii) Putting bar fetters for an unusually long period without due regard for the safety of the prisoner and the security of the prison would not be justified u/s 56 of the Prisons Act. This section does not permit the use of bar fetters for an unusually long period, day and night, and that, too, when the prisoner is confined in secure cells from where escape is somewhat inconceivable. The relevant considerations



for putting a prisoner in irons are his character, antecedents and propensities. The nature or length of sentence or the number of convictions or the gruesome character of the crime allegedly committed by the prisoner are not by themselves relevant. With this interpretation Section 56 is not violative of Articles 14 or 21.

19.3. Sunil Batra's Case II (W.P. 1009/79)

Batra, a convict, came to know of a crime of torture practised on another prisoner by a jail warder as a means to extract money from the victim through his visiting relations. The rulings given by the Supreme Court in this case are summarised below:-

(i) The courts have jurisdiction under Articles 32 and 226 to consider prisoner's grievances, not demanding release but complaining of ill-treatment and curtailment of rights.

(ii) Lawyers nominated by the District Magistrate, Sessions Judge, High Court and the Supreme Court will be given all facilities for interviews, visits and confidential communication with prisoners subject to discipline and security considerations. This has roots in the visitorial and supervisory judicial role. The lawyers so designated shall be bound to make periodical visits and record and report to the concerned court results which have relevance to legal grievances.

(iii) Grievance Deposit Boxes shall be maintained by or under the orders of the District Magistrates and the Sessions Judge which will be opened as frequently as is deemed fit and suitable action taken on complaints made. Access to such boxes shall be afforded to all prisoners.

(iv) District Magistrates and Sessions Judges shall,

personally or through surrogates, visit prisons in their jurisdiction and afford effective opportunities for ventilating legal grievances, shall make expeditious enquiries there into and take suitable remedial action. In appropriate cases reports shall be made to the High Court for the latter to initiate, if found necessary, habeas action.

(v) No solitary or punitive cell, no hard labour or dietary change as painful additive, no other punishment or denial of privileges and amenities, no transfer to other prisons with penal consequences, shall be imposed without judicial appraisal of the Sessions Judge and where such intimation, on account of emergency, is difficult, such information shall be given within two days of the action.

(vi) The State should take early steps to prepare a Prisoner's Hand Book and circulate copies to the inmates.

(vii) The State should take steps to keep upto the Standard Minimum Rules for Treatment of Prisoners recommended by the United Nations.

(viii) The Prisons Act and the prison manuals should be overhauled.

(ix) Free Legal services to the prisoners shall be promoted.

(x) The prisoner's rights shall be protected by the court by its writ jurisdiction plus contempt power.

19.4. Prem Shankar Shukla's case (W.P. 1079/79)

A prisoner sent a telegram to a Supreme Court Judge complaining of forced handcuffs on him and other prisoners while being escorted to and from courts. The rulings in this case are summarised as below:-

(i) The provisions in para 26.22 of the Punjab Police Manual

that every undertrial who is accused of a non-bailable offence punishable with more than 3 years shall be routinely handcuffed is violative of Articles 14, 19 and 21. The nature of the accusation is not the criterion.

(ii) The general rule is freedom from handcuffs and the exception to this rule will be done only when there is a clear and present danger of escape. For handcuffing there must be record of reasons, judicial oversight (before or after) and summary hearing and direction by the court.

19.5. After the cases enumerated above, several writ petitions and complaints were filed in courts and still continue to be filed by the prisoners even on imaginary and false grounds. Since free legal aid is being rendered to the prisoners in this regard they feel that they have very little to lose even if the case fails. We were informed during our visits that this was the position in almost all the States. In Tamil Nadu, 391 writ petitions were filed by the prisoners against the jail staff during 1983-86. Out of them, 186 were disposed of and they were all dismissed by the courts and 205 were pending at the close of 1986.

The prisoners often come forward with false and malicious complaints against staff members in order to brow-beat and demoralise them. Some prisoners are interested in lax administration so that they may violate the prison discipline, rules & regulations; extract privileges and facilities to which they are not entitled; acquire a dominant influence over other inmates; smuggle contraband and arrange for frequent visits to outside

hospitals. In order to achieve their objective they want to demoralise or even overawe the prison staff by making false, baseless and malicious allegations. Unfortunately, even the authorities rendering free legal aid to the prisoners are carried away by the glib talk by these prisoners. It may not be out of place to mention a typical case of this nature.

A Duty Counsel of Madras Free Legal Aid filed a writ (W.P. 3316/86) in Madras High Court based on an unsigned letter found in the grievance box in Central Prison, Madras. This unsigned letter was sent to this duty counsel by the Sessions Judge who opened the box. This unsigned letter contained allegations of torture followed by death of an inmate, collection of money @ Rs.100/- for being sent to outside hospital and @ Rs.10/- to Rs.15/- for allowing interviews, molestation and rape of women prisoners, sale of articles and provisions of the prison to outside agencies, poor quality of food served in the prison, etc. etc. As soon as the writ was filed newspapers carried big headlines. The general public after reading this news only looked down upon the prison staff. When the hearing started the so-called deceased was produced in the court. He had escaped from the prison but had been re-arrested and released on bail. The writer of the unsigned letter not knowing the full details about the absence of the said prisoner, concocted a story and added spice by including other imaginary allegations. The High Court dismissed the writ petition, but the damage caused to the morale of the staff could not be undone.

19.6. The observations made by the Supreme Court in various cases were meant to secure, inter-alia, humane treatment of prisoners inside the prisons. However, when a large number of petitions, based on false facts, are filed, with the motive to demoralise the staff and thereby resulting in laxity in security, the matter needs to be examined in its full ramifications. The observations of the Supreme Court in Batra II judgement (W.P. 1009/79) were made in a case of Tihar Jail, Delhi. The matter in that case required drastic action against those responsible for assault on an inmate, and, in fact, a criminal case had been registered by the police and was under investigation when the writ petition was heard. But the pendulum seemed to have swung in full to the other side. The other States were not parties to this case and they were neither called nor heard, but the observations made by the Supreme Court in this case were communicated to all the States for necessary action. Threat of contempt of Court was indicated in the observations. Most of the observations were in the nature of obiter dicta and have to be treated as law. The attention of the learned Judges was not drawn to the fact that at any particular time in each prison there are always some inmates who are violent, dangerous or aggressive types and are difficult to control. A handful of prison staff has not only to secure the custody of the inmates but also to maintain discipline in the institution. No progress in any treatment of the inmates will be possible if either of these fundamental requirements is not fulfilled. If the prison authorities cannot by themselves award punishments to and order transfer of the inmates,

it will affect the very basis, viz. maintenance of security and discipline, on which the institution of a prison is planned to function.

19.7. In ~~Smail~~ Satra case II (W.P. No.1009/79), the Supreme Court judgement was given by a three member bench consisting of Justices V.R. Krishna Iyer, R.S. Pathak and O. Chinnappa Reddy. The judgement was mainly written by Justice Krishna Iyer. As mentioned in sub para 6 of para 78, through this judgement, the Supreme Court gave the following directive:-

"No solitary or punitive cell, no hard labour or dietary change as painful additive, no other punishment or denial of privileges and amenities, no transfer to other prisons with penal consequences shall be imposed without judicial appraisal of the Sessions Judge and where such intimation, on account of emergency, is difficult, such information shall be given within two days of the action."

Justice Pathak in his observations, while agreeing with the above, expressed the same directive in the following language:

"It is also necessary that the Sessions Judge should be informed by the jail authorities of any punitive action taken against the prisoner within two days of such action."

The order of the Supreme Court is being interpreted in the States in two ways. In some States it is being

interpreted that none of the punishments or actions which has penal consequences for the prisoners, as mentioned in the judgment, can be imposed or taken by the jail authorities without prior approval of the Sessions Judge. According to another interpretation which is being followed in some States, the directive of Justice Iyer read in conjunction with Justice Pathak's observation, the jail authorities are free to impose punishment on the prisoners, as per rules and powers delegated to them, but the Sessions Judge should be informed by them within two days of such action.

While giving its various directives to ensure better and humane treatment to prisoners and that they are not denied the rights and privileges to which they are entitled, the Supreme Court has also recognised the need for security in the prisons. Since almost each prison has a number of difficult, violent, aggressive and sophisticated prisoners it is essential in the larger interest of security and discipline that the powers as delegated to the jail Superintendent, under the Prisons Act, to award punishments to the prisoners should remain unhindered. According to the Prisons Act, any such action by the jail superintendent is intended to be purely an executive function. Judicial review does not imply judicial takeover of the executive function of imposing departmental punishments. Hence, the interpretation that the jail superintendent should inform the sessions judge within two days of awarding punishment to a prisoner should meet the requirement of the Supreme Court directive. At the same time, to ensure fair and just

treatment to the prisoners at the hands of the prison authorities, a streamlined, statutory and time-bound procedure for appeals to senior officials of the prison department against a punishment awarded by the jail superintendent should be prescribed and strictly followed. It is hoped that when the matter comes up before the Supreme Court in any other case it will be placed beyond the realm of doubt and the correct position as indicated above reaffirmed.

19.8. We further make the following recommendations:

- i) The terms 'judicial appraisal', 'surrogates' and 'remedial action' in Sunil Batra Case II, vide sub-paras (iv) and (v) of para 19.3 above, have been left unclarified. Under Sec. 11 of the Prisons Act, the District Magistrate has statutory powers to give directions to the superintendent of a prison in regard to the jail administration. The observations of the Supreme Court in this case have apparently put the District Magistrates and Sessions Judges in the same category. Thus, the statutory authority of superintendence of the prisons, as delegated to the District Magistrates under the Prisons Act seems to have been extended to the district judicial officers or their surrogates without making them responsible for the running of the institution. The major judgement in this case decided by a bench of three judges requires to be further clarified to delineate the intended roles and responsibilities of the judiciary, and the executive at the district level in regard to the management of the prisons.



(ii) Free Legal Aid Boards depute advocates to go to prisons in various states. The inmates get free legal aid, and the advocates get their fees from the Free Legal Aid Boards. There is a tendency to encourage even frivolous litigation. The inmates have nothing to lose even if the cases are not decided in their favour. This situation requires a proper check by a responsible authority so that unnecessary litigation is avoided.

(iii) Where cases are filed against prison staff on false grounds the Inspector General Prisons should be authorised to grant permission to file civil as well as criminal cases at government cost against those who are responsible for such allegations. This will create confidence in the demoralised staff and will also deter the mischief-mongers from indulging in such activities.

(iv) In the present system of housing for prisoners in the Indian jails it may not be practicable to comply with the Supreme Court directive that prisoners sentenced to death should be kept in the "same cell" with other inmates, but separate and not too close to them and under a guard. In the present system the prisoners are kept either in large numbers in big barracks/dormitories or in single cells. There are generally no cells for "plurality of inmates" and only barracks/dormitories have such living accommodation. Hence, if a prisoner under sentence of death, is kept in a barrack or dormitory it will not be possible to keep him separate from others. No guard is ever posted, inside a barrack or cell in which

prisoners are living nor is it expedient to do so as such a guard would always be in risk of being attacked by the prisoners or held hostage. Also, a guard standing outside the barrack will never be able to keep the prisoners under death sentence from getting close to the other inmates or keeping him at a protective distance. Hence, this directive of the Supreme Court also needs to be clarified. The best arrangement would be to keep the prisoners under sentence of death in a separate cell with a guard outside. He can be taken out of the cell for short intervals for exercise and to ensure that he does not remain out of sight from other prisoners.

(v) The observations of the Supreme Court in Prem Shankar Shukla case regarding handcuffing are too liberal and need to be re-examined in the context of present atmosphere when violence has considerably increased and escapes from custody of escorting parties have been taking place frequently. The hand cuffing of a prisoner should not be connected with the nature of his crime and it should not be done as a routine measure. At the same time, the officer-in-charge of the escort party should have the discretion, after recording valid reasons, to handcuff a prisoner who is known to be dangerous, escape risk, aggressive or a desperate type. Necessary legal provisions should be made for this. The State Governments should also issue proper guidelines for escorting of prisoners and the district police authorities should ensure their strict compliance.

CHAPTER XX

SUB-JAILS

20.1. While the central jails and district jails are located in cities and big towns the sub-jails are mostly in small towns, specially the headquarters of tehsils/taluks/sub-divisions of districts. The total number of institutions for keeping prisoners in various States and Union Territories is 1054 and out of them 667 are sub-jails. The sub-jails, thus, constitute about 67 per cent of these institutions. In respect of management and administrative control of the sub-jails the position varies from state to state. While in some states, the sub-jails are under the administrative control of prison department, in others they are under the control of officers belonging to judicial, revenue, or medical departments. At most of the places, the officers of departments, other than those of prisons, work as part-time superintendents of sub-jails. The sub-jails also differ in their staffing pattern, location, buildings and types of inmates kept in them.

20.2. The supervision over sub-jails, especially where the superintendents are part-time officers, is generally lax and this has led to many problems of administration and management. The officer-in-charge of each sub-jail is usually of low status and rank and he often finds himself helpless to deal with problems of his institution.

20.3. The buildings of sub-jails are generally in bad state and many of these institutions are housed in improvised buildings where living conditions are

almost sub-human. The facilities provided in most of the sub-jails are extremely inadequate and the general conditions are deplorable. Most of the sub-jails suffer from acute over-crowding and the situation in some of them is so bad that the prisoners cannot even lie down side by side during the night and they have to sleep in shifts. The facilities for drinking water, lighting etc. are most unsatisfactory and the maintenance is very poor.

20.4. In very few sub-jails flush latrines have been provided but they are so few in number that they often get choked and create a lot of inconvenience for the prisoners. In one of the sub-jails we visited we were told that such a situation was the cause of a serious riot by the prisoners and detention by them of some of the staff members as hostages. At some places where new toilet blocks have been built cast iron pipes fixed along the walls have been left exposed, thereby creating a security hazard.

20.5. The security arrangements in the sub-jails are generally very weak and unsatisfactory. Many of the sub-jails have no boundary or perimeter walls and the buildings are 'closed type' with no open spaces for movement of prisoners. Very few sub-jails have double gate system and even at places where such arrangements exist the space between the two gates is so small as to create problems of security especially when the prisoners are collected there for being taken to courts and when they are brought back.

20.6. Mostly undertrials are kept in sub-jails and in some places convicts with short-term imprisonment are also lodged there. The number of cells/barracks in most of the sub-jails is so few that there is no scope for segregation

of prisoners of younger age and those who are aggressive types, bullies/goondas, drug addicts, suffering from infectious diseases etc. wards meant for women in the sub-jails are usually so located as to allow very little privacy.

20.7. The security staff in most of the sub-jails is very inadequate and since they have to manage and control a large number of inmates, some of whom are quite aggressive, rowdy and dangerous they generally adopt a harsh and suppressive attitude. The sub-jails do not usually have any ministerial staff. Since a good number of records have to be maintained and the daily paper work, too, has been increasing the executive hands, whose strength is already inadequate, have to devote a considerable time to desk work and this causes further neglect of duties connected with security and discipline.

20.8. During night time a sub-jail is usually left under the charge of a warder. At very few places family quarters have been provided for the staff at sub-jails and their number, too, is most inadequate. In the event of an emergency, during nights, it is usually not possible to summon the jail officials living away from the institution. Communication arrangements for contact with outside officers are either poor or non-existent.

20.9. While courts have been established in almost all the tehsil/taluk/sub-divisional headquarters in a district, sub-jails have not been created at each of these places. Some of the sub-jails have, therefore, to send prisoners to courts located at distant places, even as far as 60 to 70 miles. Often, due to non-availability of police escorts

~~the prisoners are not~~ presented in courts on the dates of their cases and this causes a lot of dissatisfaction and resentment among them. At very few places, where such jails are located the police has vehicles and the prisoners are taken to courts either on foot or in public transport or by train and this creates security problems.

20.10. One of the main problems of the sub-jails is total idleness of the inmates who, for their trials, have to stay there for long periods. This often causes serious problems of discipline and control among the prisoners who remain huddled together in overcrowded cells/dormitories, without any purposeful activity for months. Also, since most of the inmates are undertrials they cannot be made to work.

20.11. The medical facilities for the prisoners in sub-jails are provided through visiting doctors but in most of the places the doctors avoid coming to the sub-jails because of meagre allowance paid to them. The prisoners have, therefore, to be taken to the local government dispensary and hospital for which the officer in-charge of the jail seldom has adequate escorting staff and transport. In the government hospitals, too, the medical staff generally pays little attention to the prisoners. This further adds to their feelings of discontent and frustration.

20.12. The following are our recommendations to improve the functioning of the sub-jails and their security arrangements:-

(i) The control over all sub-jails should vest in

the prisons department. The entire staff for the sub-jails should belong to the prison department.

- (ii) New sub-jails should be built at all the places where courts function so as to avoid the need of transporting prisoners to long distances.

The buildings of the existing sub-jails should be improved and basic facilities provided so as to reduce resentment among the prisoners on this account.

- (iii) Perimeter walls should be constructed around the sub-jails to ensure better security as well as to provide some open spaces for movement and association of prisoners.

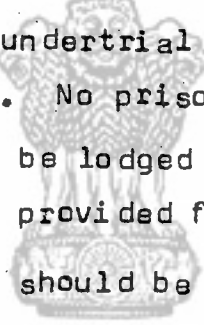
- (iv) The maximum capacity of the dormitories in sub-jails should not be more than 10-12 prisoners and attached toilet facilities should be provided for each such living room. On an average, there should be one toilet with flush system for six prisoners. If such arrangements are made, it would not be necessary to have separate toilet blocks in the yards of the sub-jail.

- (v) Double gate system should be provided at the entrance of the sub-jails. There should be a guard with an armed sentry posted outside the gate of the sub-jail. All rules & regulations with regard to operating of bigger prisons should be followed for the sub-jails, too.

- (vi) The officer in-charge of the sub-jail of a capacity of 50 prisoners or less should be a deputy jailor and of 50 to 100 prisoners a jailor who should be equivalent in status and rank to an inspector of police. The sub-jails which have more than 100 inmates should be managed by a Dy. Supdt. Prisons, whose rank should be equivalent to that of a Dy. Supdt. of Police.
- (vii) The sub-jails should be located away from police lock-ups and persons in police custody should not be kept there.
- (viii) There should be a separate room earmarked for interviews in the sub-jails. These rooms should have security arrangements, as recommended in Chapter XIII.
- (ix) An officer of the rank of Addl. Supdt. Central Prison should be overall in-charge of all the sub-jails located in a district. This officer should be different from the Supdt. of district jail, if any such jail is also located in the district.
- (x) Proper lighting arrangements should be made in each sub-jail.
- (xi) Prisoners should not be transported from sub-jails to courts/hospitals and back on foot and vehicles for escort purposes should be provided in a phased manner.
- (xii) Proper cooking facilities should be provided in the sub-jails and the system of supply of cooked foods through contractors should be discontinued. Kitchens with fly-proof doors and windows should be built and wholetime cooks engaged. Prisoners should be encouraged to volunteer to cook food and paid



adequate wages.

- (xiii) In order to break the monotony of idleness the inmates should be made to work on voluntary basis. It is difficult to suggest suitable trades which may be arranged all over the country. However, trades which suit the local conditions and do not involve much investment may be arranged. Some examples of these trades are basket-weaving, making of hand-fans, coir, match-sticks, rolling of beedi-leaves, making of candles, file tags, etc. Suitable wages should be paid to remand and undertrial prisoners who volunteer to work.
- (xiv) Only remand and undertrial prisoners should be kept in the sub-jails. No prisoner sentenced for more than one month should be lodged there and separate dormitories should be provided for them. Convicts with longer sentences should be transferred to district/central prisons.  सत्यमेव जयते
- (xv) No escapees, desperate, extremist or dangerous prisoner should be kept in the sub-jail. Such prisoners should be lodged in district or central prisons.
- (xvi) The scale of food for the inmates of the sub-jails should be the same as for the inmates of the central prisons.
- (xvii) One doctor should be attached to each sub-jail on part-time basis and he should visit the sub-jail everyday. He should be paid adequate allowance.
- (xviii) There should be separate cells or dormitories with a segregated compound for female inmates of the sub-jails. This portion should be manned exclusively

by female staff. The entry to this portion should be through a closed gate locked from inside by the female staff. Where the average daily population of female inmates does not justify the employment of female staff on permanent basis, such staff may be arranged on daily wage basis. Also see para 4.33 of Chapter IV.

- (xix) Facilities like newspapers, radio, games (both indoor and outdoor) etc. should be provided for the undertrial prisoners in the sub-jails. P.T. and yoga classes should be organised.
- (xx) Arrangements should be made for imparting adult education to prisoners in sub-jails on regular basis.
- (xxi) A coordination committee consisting of local officials of the judiciary, prosecution, district administration, police and the PWD should be formed by the District Magistrate for each sub-jail. This committee should visit the sub-jail once a month to review the position of undertrial prisoners and to inspect the conditions of accommodation, basic facilities, etc. The officer in-charge of the sub-jail should be the Member-Secretary of this committee. Copies of the proceedings of the deliberations of the committee should be forwarded to the District Judge, I.G. Prisons and the District Magistrate.
- (xxii) Surprise visits by senior officers should be paid to sub-jails as often as possible.

- (xxiii) All the staff of a sub-jail should be rotated every three years.
- (xxiv) Adequate number of family quarters should be built for the staff posted at the sub-jail.
- (xxv) The police should send to the officer in-charge of the sub-jail detailed information about the nature of offence and background of a prisoner when he is admitted to the sub-jail. In addition to this, the officer in-charge of the sub-jail should interview the prisoner in a thorough and patient manner to elicit from him maximum information about his life history and various activities. All this information will help the officer in-charge of the sub-jail to identify and segregate prisoners who are aggressive, dangerous, bullies/goondas, drug addicts, etc. A personal file on each prisoner should also be maintained.

20.13. We also agree with the various other recommendations regarding the improvement of sub-jails made by the Mulla Committee in Chapter XVIII of its report. However, requirements of the staff for various sub-jails may be different from what has been recommended by this Committee in para 18.9.12 and 18.9.13 of its report. The staff needed for each sub-jail will depend on its average population, location, number of points needing permanent security arrangements, numbers of wards/cells, etc. The appointment of the officer in-charge of the sub-jail should be on the lines suggested by us in sub-para (vi) of para 22.12, above.

## CHAPTER XXI

### TIHAR JAIL

21.1. Tihar Jail of Delhi has been in the limelight for quite some time and it has earned considerable notoriety in the recent years. It has been also subjected to serious criticism by courts, specially the Supreme Court. The staff of this jail has earned bad reputation about its integrity and performance. It has often been alleged that corruption and malpractices among its staff are rampant. There have been some very serious cases of escapes from this jail, enquiries in which brought to light not only serious negligence and dereliction of duties on the part of the staff in regard to their custodial and security responsibilities, but also possibility of their connivance with escapees. In the case of Sunil Batra Vs. Delhi Administration (W.P. 1009 of 1979) the Supreme Court had said that "the Tihar Prison is an arena of tension, trauma, tantrums and crimes of widence, vulgarity and corruption. And to cap it all, there occurs the contamination of pre-trial accused with habituais and injurious prisoners of international gangs. The crowning piece is that the jail officials themselves are allegedly in league with the criminals in the cells. That is there is a large network of criminals, officials and non-officials in the house of correction. Drug racket, alcoholism, smuggling, violence, theft, unconstitutional punishment by way of solitary cellular life and transfer to other jails are not uncommon". Some of the orders and directions given by the Supreme Court on the basis of writ petitions filed against the Tihar Jail administration and its officials have resulted in restricting the powers of the jail officials under the Prisons' Act and the Jail

manuals. During our visits to jails in some parts of the country the jail superintendents said that they now found it difficult to enforce discipline among prisoners who are really dangerous, aggressive or manipulative and incite other prisoners to indulge in disorder, violence or other disruptive activities. Such prisoners or their supporters have now been filing frivolous and baseless complaints to overawe and demoralise the jail staff.

21.2. Tihar Jail is also a unique prison not only because it is located in the capital, but, also, it is the biggest jail in the country not in terms of the sanctioned capacity, but since its average population for many years, has, perhaps, been the highest compared to any other prison. It also houses prisoners who are dangerous, desperate or moneyed and influential. These include highly motivated terrorists, prisoners with high connections, white-collar offenders, powerful and moneyed smugglers and ~~drug~~ pedlars & addicts. In addition to these, the jail has quite frequently to provide accommodation for political agitators arrested in large numbers from time to time. In view of these special features of Tihar Jail and also because of frequent and strong criticism of its management, we decided to make a specific review of the conditions of this jail, specially of those features which have a close bearing on problems of security, safety, discipline and control. Some of the recommendations made by us to improve the conditions in Tihar Jail may be applicable to a few other jails in the country.

21.3. In 1980, the All India Committee on Jail Reforms(viz. the Mulla Committee) was specifically asked to look into the affairs of Tihar Jail and to make recommendations with regard to improvements in its administration. It submitted its report on Tihar Jail on 19 December, 1980. The Committee examined the problems of Tihar Jail, at that time, mainly in the context of large-scale criticisms of the jail on account of mal-treatment and improper attitude towards the prisoners, indiscipline among them, and incompetence, corruption and abuse of power by the staff. Some of the main problems identified by the Committee were the following:-

- i) There is a lot of overcrowding in the jail. Most of the over-population was because of a large number of under-trials.
- ii) In the juvenile ward, too, there was overcrowding. Both in this ward as well as female ward there was no arrangement for segregating the undertrials and the convicts.
- iii) There was no satisfactory arrangement for interviews. The number of inter-views conducted everyday was large and there was a huge rush on both sides of the wire mesh in the interview room. There was hardly any scope of privacy of personalised relationship between the prisoner and his visitor. No separate room was earmarked or attached with the jail where lawyers could interview and talk to their clients. Due to shortage of staff rules for supervising the interviews were not being strictly followed. The prisoners could not be properly searched before and after the interviews.

- iv) The jail did not have a law officer. Petitions and appeals were written either by fellow educated inmates or by the Asstt. Supdt. in-charge of appeals. There was a heavy workload of petitions and appeals in the jails.
- v) A large number of petitions had to be replied to, pursued and followed up in various courts by the jail staff and the executive personnel were required to devote much of their time in these tasks.
- vi) The educational programmes which mainly consisted of adult literacy classes or elementary facilities for education were not being organised in a proper and systematic manner.
- vii) The jail factories had a capacity of engaging only 174 prisoners and even this was not being fully utilised as the number of convicts was small and many of them had to be used for essential services like cooking, stores, cleanliness; etc.
- viii) Facilities for indoor and outdoor games were not being properly supervised by the jail staff. There was little realisation among the staff about the therapeutic value of recreational activities.
- ix) There was no arrangement for inservice or pre-service training of the jail-staff.
- x) When the jail was constructed basic facilities like latrines, bath-rooms, etc. were provided for a total population of 1273 only. With the increase in population corresponding additions had not taken place.

There could be nothing more dangerous to the institutional discipline than the denial of basic human facilities that the prisoners were entitled to.

- xi) There was no separate cadre of the jail department. Supdts. and Dy. Supdts. were generally taken on deputation from the neighbouring States. The posts of Asstt. Supdts. were filled on deputation from other departments of Delhi. Kanungos, sales tax inspectors, officials from civil supplies and excise departments, were working as Asstt. Supdts.
- xii) There was a separate cadre for the warder staff.
- xiii) Deputy Commissioner of Delhi was the ex-officio I.G. Prisons, while one of the Additional District Magistrate had been designated as DIG Prisons. There was no separate headquarters staff - either technical or ministerial - to examine and process the cases pertaining to jail administration.
- xiv) Adequate arrangements did not exist for the classification of inmates on the basis of their criminal record, length of their sentences, security need and correctional requirement.
- xv) While medical facilities in the jail were satisfactory there was no arrangement for treatment of drug addicts who were reported to be fairly large in number.
- xvi) In the undertrial block prisoners suffering from infectious diseases were being kept with others.
- xvii) The details of work programmes indicated that there was not enough awareness to replace repressive and



afflictive conditions of prison labour by those required for reformatory treatment. Since the ultimate purpose of imprisonment is to ensure correction and rehabilitation of offenders, the work programme should be organised as to facilitate the prisoners to learn new skills and to engage themselves in productive and gainful occupations.

- xviii) The general level of discipline of the staff was extremely low. Most of the staff members do not appear to have the requisite aptitude and orientation for the work they are expected to perform. There is no regular programme for the training of the staff in the modern methods and techniques of correction. This has led to excessive reliance on repressive means and punitive punishment to control prisoners.
- xix) There is dissatisfaction among the subordinate staff, particularly because of low pay, inadequate housing, insufficient medical facilities, etc. There were no promotion prospects of the warder staff to a rank higher than that of a head warder.
- xx) There was lack of constructive relationship and mutual confidence between the higher executive staff and the warder staff.
- xxi) The jail offences committed by the prisoners mainly related to smuggling of narcotics, opium, charas, etc. and assaults on prisoners and officials.
- xxii) Search arrangements at the jail gate were not effective. The warder's duties at the jail gate were not frequently changed and the same particular individuals continue to man the jail gate by rotation.

- xxiii) In view of the multifarious duties of the Dy. Commissioner and Addl. District Magistrate, the level of supervision and inspection of the jail left much to be desired.
- xxiv) There was also need for greater coordination with the police, judiciary and other correctional services.

21.4. We visited Tihar Jail three times to see the present conditions there. We held detailed discussions with I.G. Prisons, a number of officers of Tihar Jail and also the Home Secretary, Delhi Administration. In addition, we also met a few officers who had earlier worked as Superintendents of Tihar Jail.

21.5. Tihar Jail has been trifurcated and including the District Jail there are now four institutions, each headed by a jail superintendent. Each jail is functioning independently but they have common hospital. The total capacity of these 4 jails, together, is of 1733 prisoners but, on 16.8.86, when we visited the jail the population was 4112. Thus, the trifurcation of the jail into smaller units, located in the same premises and adjacent to each other, has helped in its management and administration but the problem of acute over-crowding continues. The jail department of Delhi Administration has now a whole time I.G. Prisons who is assisted by a DIG Prisons. Recently, the strength of the staff for the Tihar Jail was increased a little and it has been distributed among its four units.

21.6. The majority of inmates in the Tihar Jail is of undertrials and their population is usually as high as 80 per cent. We found that the barracks in Jail No. 1 meant for undertrials had prisoners almost 3 to 4 times

their capacity. They were packed like sardines and apart from the fact that the barracks had not been white-washed or cleaned for long, the basic facilities of toilets and for bathing were most inadequate. Some open drains in the wards of undertrials were full of stagnant dirty water presenting an unhygienic picture. We were told that the drainage system of the jail was defective and PWD authorities had not been able to set it right. Such unsatisfactory living conditions generate hostility and avoidable resentment among the inmates. We saw that only two members of the warder staff had been detailed for duty in the undertrial ward where such a large number of inmates were being kept. The jail superintendent said that it was not possible for him to depute more personnel due to inadequate strength of the staff.

21.7. Since a number of dangerous and escape risk prisoners are being lodged in this jail the perimeter security outside the jail is being looked after by the CRPF and TSP (Tamil Nadu Special Police). The guarding of the gates and the searches of persons going outside and inside the jails is also being done with the help of personnel of these armed forces. Both door-frame and hand-held metal detectors have been provided at the gates of the jail. On an average about 600 prisoners have to be taken to the courts every day and they are brought back sometimes quite late in the evening. In view of the congestion in the main gate area in Jail No. and inadequate strength of the staff posted there we are convinced that the searches of such a large number of prisoners would merely be a formality.

21.8. Only in Jail No. 3 suitable arrangements for interviews of prisoners with relations and close friends have been made.

A big waiting room for visitors and a good sized interview room, with adequate barriers, have been built in this jail. On both sides of the barrier vertical panels have been fixed, which provide some privacy to the prisoners and the visitors at the time of interviews. At the same time, close supervision can be maintained if the jail staff on duty remains alert. The arrangements for interviews in other jails, especially in Jail No. 1, which has largest number of prisoners are very unsatisfactory. About 4 to 5 hundred visitors come every day and the waiting shed, which was constructed recently is small and would be uncomfortable during the summers and winters. It has also no facilities of toilets, drinking water etc. for the visitors who have to often wait long for the interviews. A suitable waiting room like that in Jail No. 3 should be built in this prison, too. The interview room is also very small. About 15 to 20 prisoners are brought for interviews simultaneously and on the other side of the barrier the number of visitors is more than 100 or so. There is too much shouting and confusion and it is unlikely that the prisoners and visitors are able to have normal communication. A bigger interview room should be built as early as possible. It is also generally complained that almost all the visitors coming for interviews have to bribe the jail personnel. Besides, those who pay more are able to have interviews more quickly than others who have to often wait for 3 to 4 hours. Such unsatisfactory conditions for interviews are bound to create a lot of frustration and resentment among the prisoners and those who come to meet them. It is very essential that arrangements for interviews in congenial and relaxed conditions should be made. Visits by family members and friends help in lessening the negative psychological consequences of confinement and strengthen the prisoner's morale. This helps in easing of tensions and reduces management

problems. A senior officer of the rank of Deputy Superintendent should personally check and supervise the arrangements for the interviews.

21.9. No separate rooms for searches of prisoners before and after the interviews have been provided. The prisoners are searched in the main gate area where there is already so much activity and since the number of prisoners who are allowed interviews is very large their searches in the present conditions are unlikely to be thorough. The visitors bring a large number of articles, including eatables, for the prisoners. Thorough checking of these articles, which is also being done in the main gate area, is not possible. Contraband, including drugs, can be smuggled in this manner. We recommend that apart from building suitable sized interview-rooms and waiting rooms for visitors, separate rooms for searches of prisoners, after the interviews and of the undertrials who are sent to courts should be provided. Conducting these searches in the main gate area, where there is a lot of movement and activity, is not advisable at all. As we have suggested in the sketch plan (Appendix VII) arrangements for interview rooms and search rooms can be made after suitable alterations and changes in the present office block near the main gate. An additional building adjacent to the existing administrative block for accommodating the offices should be built.

21.10. Many of the other ills and shortcomings in the Tihar Jail pointed out by the Mulla Committee still exist. However, the most important problem is of the inefficiency, poor discipline and corruption among the staff. This has been the main cause for poor security in this important jail of the country and for the serious and sensational cases of escapes which occurred in the past. Tihar Jail requires maximum attention and highest priority in this respect apart from the need to reduce over-crowding and

providing basic facilities to the prisoners.

21.11. For efficiency of the staff and to check corruption and malpractices the following are the main requirements:-

- (a) Proper leadership;
- (b) high discipline;
- (c) possibility of frequent transfers and rotation so that none is able to acquire 'roots' and develop a vested interest;
- (d) good training;
- (e) stringent disciplinary powers and scope for summary action; no interference in recruitment, transfers and postings;
- (f) minimal possibility of nexus with outsiders and criminals;
- (g) constructive relationship and trust & confidence between supervisory officers ( i.e. middle level and higher executive officers) and the subordinate ranks;
- (h) absence of trade union activity;
- (i) motivation; and
- (j) capability to undertake programme for correctional treatment.

21.12. Unfortunately, all these requirements are lacking as far as the staff of Tihar Jail is concerned. Only very recently a whole-time I.G. Prisons and D.I.G. Prisons were posted in Delhi. The situation relating to the leadership at the level of Superintendents and Deputy Superintendents and middle levels of the executive staff continues to be amorphous. There is no separate cadre of the officers of these ranks and their posts still continue to be filled on ad-hoc basis by personnel taken on deputation from miscellaneous departments of Delhi Administration, like Civil Supplies, Sales Tax, Revenue, Excise, etc. In most of these departments, there is little scope for work connected with security and correction. The officers from these departments are brought to the Tihar Jail for short periods

and they consider their deputation to the jail as punishment posting from where they try to seek their release as quickly as possible. It is but natural that these officers would be devoid of all motivation and they would take little interest in acquiring professional competence and experience in jail work which is of a specialised nature and its quality can never improve if it is entrusted to any one or every one. Such officers can seldom have proper appreciation of the problems of their subordinate staff and would be incapable of gaining their confidence and providing them good leadership.

21.13. For warders and head warders, there is a separate cadre in Tihar Jail. But the bane of their indiscipline, inefficiency and corruption lies in absence of training and their 'permanent settlement' in Tihar Jail for the entire service. Another reason for the poor standard of discipline and performance among the various ranks of the staff of this jail is that the disciplinary powers under the C.C.S. (C.C.A.) Rules by which they are governed are cumbersome, weak and ineffective. The procedure for taking disciplinary action under these rules is extremely dilatory. We were told by officers who had worked as Superintendents in Tihar Jail that due to time consuming procedures for departmental action and frequent court interference in such action, they avoided initiating disciplinary proceedings against the officers working under them for their deliberate acts of omissions and commissions. It was found very difficult to punish the officers and the suspension of any of them for departmental action only meant reducing the strength for long period of the already inadequate staff. The increasing trade union activity among the staff of the Tihar Jail has further undermined discipline and efficiency. In the prison department, where duties are of sensitive and difficult nature

a very high standard of discipline and strict compliance of rules and regulations by each member of the staff is extremely important. The prison service in this respect is like other security services. Hence, stringent disciplinary powers with provision of summary action, as in case of police and para-military forces, to deal with instances of deliberate dereliction of duty, corruption and other malpractices by members of the staff is very essential.

21.14. We found that there was considerable demoralisation among the staff of Tihar Jail, especially in the warder ranks, who mainly constitute a regular cadre of jail service, because of poor promotion prospects and long hours of duty. The members of the jail staff of various ranks are also unhappy on being denied pay scales and allowances equivalent to corresponding ranks in the police. They claim that the duties and responsibilities of the jail personnel are as difficult and sensitive as those of the police. While the police deals with the people outside the jails, many of whom are law abiding, officials inside the prison have to deal with persons each of whom has broken the law in his own manner. There is also need for the jail personnel to inculcate new orientation and techniques as to combine their custodial and disciplinary responsibilities with treatment programmes for reformation and rehabilitation of prisoners.

21.15. The increasing number of petitions and complaints by the prisoners against the jail officials, which are being filed in the courts, and the adverse publicity which Tihar Jail has constantly been getting from the media, has also been a cause for demoralisation and poor motivation among its staff. Also, the Jail Superintendent and a number of other officers have to spend a lot of time attending to the petitions and complaints filed in the courts. Their supervisory and other responsibilities



in the jail, thus, get neglected.

21.16. The efficiency, performance, security and discipline in Tihar Jail will continue to deteriorate unless solutions to the above mentioned problems relating to the staff are found. Fulfilment of the requirements listed in para 21.11 above is essential in this regard. The strength of the staff should be increased to adequate level. There should be expeditious sanction of posts, transport, vehicles, equipment, etc. At present, there is a lot of discontentment among the staff of Tihar Jail in regard to their pay scales. As per the recommendations of the Fourth Pay Commission, it has been given pay scales lower than those of Delhi Police while, earlier, these were at par with the police and in some ranks even higher than them. In our view, the demand of the jail staff that they should be given pay scales and allowances equal to the police, is justified. At the same time, while giving parity with the police in terms of emoluments and allowances, it should be ensured that the standard of discipline among the jail staff is as good, if not better, than that in the police. Disciplinary rules applicable to the jail staff should be as stringent and effective as those meant for the police and the para-military forces. For this a new enactment like the CRPF Act or CISF Act to cover the personnel of Tihar Jail, should be passed and all of them brought under its ambit. All trade union activity among

the jail staff, who constitute a security service, should be banned statutorily. The staff should be frequently rotated among the various units of the Tihar Jail. As regards the problem of permanency of continued posting of staff (executive/custodial staff) in Tihar Jail and no scope of its transfer outside Delhi, a long range solution can be found by creating a joint cadre of this staff of Tihar Jail with the personnel of the prison service of Uttar Pradesh or Madhya Pradesh. There should be complete merger of executive/custodial prison staff of Tihar Jail with similar staff of either of these two States. For this it will be necessary to bring about uniformity in service conditions of various ranks, prison regulations etc. The recommendations made by us for improvement of the prison personnel (executive/custodial) of Tihar Jail should also be made applicable to the personnel of prison service of the State with which they are merged. DG/IG Prisons, Uttar Pradesh or Madhya Pradesh, as the case may be, should be overall incharge of the entire merged cadre. I.G. Prisons, Delhi will be responsible for day to day operation of Tihar Jail and other jails of Union Territory of Delhi under the control of Delhi Administration. For matters of staff management he will liaise with DG/IG Prisons, Uttar Pradesh or Madhya Pradesh, as the case may be.

As regards the correctional staff (psychologists, vocational instructors, sociologists, welfare officers etc.) and the specialists, like medical personnel and teachers, required for the Tihar Jail, they should continue to be provided by the Union Territory of Delhi.

Till the above suggested arrangements for merger of Tihar Jail personnel with those of the prison service of Uttar Pradesh or Madhya Pradesh are brought about an agency which satisfies the maximum number of qualifications mentioned in para 21.11, above, should be found for being entrusted the management and administration of Tihar Jail. In our view, most of these qualifications are fulfilled by the Central Industrial Security Force (CISF) and the management and administration of Tihar Jail, including its four units and other jails which may be created in future, in the Union Territory of Delhi should be entrusted to this organisation. Some changes in the CISF Act may be necessary for this purpose. The CISF is a well-trained and disciplined organisation and its personnel mostly remain unarmed. They have good experience of tactful dealings with people as in public sector undertakings they have to interact with large bodies of people who are usually highly unionised and conscious of their rights. After a short training course and suitable briefing about the prison work, including its rules and regulations, it should be possible for the personnel of the CISF to acquire a good comprehension of the techniques and problems of management and control of prisoners living in Tihar Jail. The CISF unit given charge of the management and administration of Tihar Jail should be replaced by a new unit every three years. Officers of the rank of Commandants of CISF battalions can be posted as superintendents of four units of Tihar Jail.

IG and DIG Prisons, Delhi should also be from the CISF. All expenses for maintenance of this CISF unit should be met by Delhi Administration as it is doing, at present, for the Tihar Jail staff. As regards the personnel who at present form the permanent cadre of the Tihar Jail they can be given the option of joining the CISF. Those who volunteer to join it should be screened by a committee consisting of senior officers of Delhi Administration, Ministry of Home Affairs, Government of India and the CISF. Persons found fit by this committee should be absorbed in the CISF and the rest can be transferred to other departments of Delhi Administration.

21.17. For effective leadership, the I.G. Prisons in the Union Territory of Delhi, should be a senior IAS or IPS Officer in the rank of Joint Secretary to the Government of India or Inspector General of Police having past experience in prison administration. Preferably, his seniority and stature should be such that he should be able to get proposals executed expeditiously in the Delhi Administration and the Ministry of Home Affairs, Government of India. He should also be able to ensure effective coordination with other departments of Delhi Administration, like the PWD, the police, and the medical department and the Municipal Corporation.

21.18. The following other measures which are important to improve the security and discipline in Tihar Jail should be taken on priority basis:-

- i) As recommended by the Mulla Committee district jails should be set up for undertrials and convicts sentenced upto 3 years.
- ii) Since construction of the district jails is likely to take some time immediate steps should be taken to remove over-crowding, especially among the undertrials. This can be done by construction of extra barracks in the enclosed campus of each of three units.

- iii) In the existing barracks, including those where under-trials are lodged, and in the new barracks which would be built in future there should be scope for keeping prisoners in smaller groups of 10 to 12. Prisoners living in large numbers in big barracks create more problems of security and discipline than those segregated and separated into smaller groups. Hence, the existing barracks should be divided into smaller rooms/dormitories by raising partition walls and attached toilets should be provided for each of them.
- iv) Separate institutions should be created for women and adolescent offenders. Lunatics should be shifted to Shahdara Mental Hospital. Temporary camp jails should be constructed to accommodate short-term convicts who are not a security risk. Such jails may have barbed wire fence system (vide chapter V) instead of perimeter wall, with proper patrolling and other security arrangements.
- v) Proper evaluation and assessment of each prisoner, whether convict or under-trial, should be done as soon as he is admitted in the jail. A Classification Committee consisting of the following should be established in each of the four prisons very early:-
- i) Jail Superintendent.
  - ii) A Psychiatrist.
  - iii) A sociologist.
  - iv) A Welfare Officer.

The Classification Committee should assess each prisoner on the basis of information received from the police and the courts and by interviewing him thoroughly. It should try to obtain through patient interview full background

of the prisoner, including his history and that of his family members, his social and economic background, habits, interests etc. It should then prepare a detailed profile on each prisoner, whether he is a convict or under-trial. The Classification Committee should also be able to identify those who are habitual offenders, high security risks, drug abusers, aggressive persons, gang members, etc. The evaluation and classification of the prisoners is to be done not only for devising treatment programmes but also to identify and segregate them from the point of view of disciplinary control, safety and security. The warder staff and other jail officials should maintain a close watch over the activities of each prisoner and they should be asked to give weekly reports on each inmate. Even minor deviations from normal behaviour should be taken note of. On the basis of information collected in this manner the Classification Committee should periodically review the position of each inmate and make necessary changes in the treatment programme and in classification and segregation in regard to discipline and control.

vi) Some members of the executive staff, especially jail superintendent of each unit of Tihar Jail, have to spend considerable time in attending courts and meeting the lawyers in connection with the large number of cases and writ petitions which are filed by the prisoners or

their supporters in the courts. Thus, their normal work relating to the jails remains neglected. A Law Officer should be provided for each of the units of Tihar Jail. The government counsels usually attach low priority to cases of complaints against the prison administration. The prison officers have to visit their offices frequently to find them free and brief them and to do various formalities with their help. One or two government counsels should be earmarked specially to deal with the cases of complaints against the Tihar Jail administration.

vii) The strength of the warder staff for duty in a ward in each shift should be adequate. There should be at least two warders on duty in each shift in a ward which has upto 100 prisoners. For every other 50 inmates one more warder should be added for each shift. There should be one head warder to supervise 3 warders in each shift. The strength of warder staff in the wards where high security and dangerous prisoners are lodged will have to be higher.

viii) An officer of the rank of Deputy Superintendent Grade II should be on duty, all the 24 hours in the main gate of Jail No. 1. In the other 3 jails, at least one Assistant Superintendent should remain on duty in the main gate area, throughout day and night.

These officers should work in shifts of 8 hours each.

- ix) Searches of all the barracks and cells and the prisoners lodged in them, should be done very thoroughly, every day, under the supervision of an Assistant Jailor or an officer of higher rank. For this and other safety and security measures it is necessary that the number of warders who are to be on duty in each ward should be increased. In addition to daily searches surprise searches should also be done frequently with the help of special search squads.
- x) All members of the staff, except the Jail Superintendent, Deputy Superintendent and Medical Officers, should be thoroughly searched as and when they enter the jail and go out of it. No member of the staff of any rank should be permitted to enter the jail unless he carries his photo identity card on his person.
- xi) All members of the staff including the jail superintendents should put on uniform. They should be paid uniform grant and maintenance charges on the same scale as that in the Delhi Police.
- xii) It is reported that a good number of personnel belonging to the warder staff are drug addicts. They should be identified and their services terminated forthwith.
- xiii) Counting of prisoners at the time of lock-up should be done by an officer of the rank of Assistant Superintendent.



- xiv) Convict officers should not be made to do any work for which regular staff has been sanctioned. They should never be given keys of the barracks/cells. They should not be allowed to come to the main gate area or to the office of the jail.
- xv) The hospital staff, including the doctors, are often liberal in recommending special diet to the prisoners or their treatment by specialists in other hospitals and it is said this is not always on merits. Some-times the doctors do not keep in view problems of prison administration and security & discipline. This often causes distrust and lack of coordination between the hospital staff and the jail officials. All members of the hospital staff, including the doctors, should be treated on deputation to the jail department and they should work under its operational and administrative control. The ACRs (Annual Confidential Rolls) of all ranks of the hospital staff which correspond up to the rank of Deputy Superintendent Grade I should be written by the jail superintendent. The ACRs of officers of higher ranks in the hospital should be written by DIG prisons/IG prisons.
- xvi) At present, the lawyers of the Free Legal Aid Group are allowed to visit the barracks/cells of the prisoners. Except where security considerations warrant all the meetings between the prisoners and lawyers, including those belonging to the Free Legal Aid Group, should be arranged in a room near the main gate area.

- xvii) Separate arrangements for industries/workshops and vocational training should be made in each jail of Tihar complex.
- xviii) The quantum of wages which are paid to the prisoners for work should be increased. This would encourage under-trials to volunteer for work.
- xix) Censorship of mail of prisoners is, at present, not being done thoroughly. A separate 'Mail room' should be provided for this work and each and every letter should be carefully and thoroughly examined. Special training in censorship work should be arranged, with the help of State Special Branch, to a few selected and reliable jail officials. No one should work in the 'mail room' or enter it without explicit permission of the jail superintendent.
- xx) The staff members should be made to do parades compulsorily as per rules.
- xxi) Often, under the cover of gathering intelligence members of the jail staff use some prisoners for malpractices. Secrecy about the 'sources' among the prisoners can seldom be maintained. Intelligence about the prisoners can be best collected through constant alertness on the part of each member of the staff and discreet observation of habits, activities, mood and temper of each prisoner on individual basis.

- xxii) The main gate of the jail is opened frequently during the night for the entry and exit of the members of the staff who perform duty inside the jail during night shifts. This is not advisable from the security point of view. The jail gate should not be opened for this purpose between 9.00 P.M. and the jail opening time on the following morning. All members of the staff who are required to perform duty in various shifts during this period should stay inside the jail. Those who are not on duty in any of shifts should rest in the jail. A suitable rest room with toilet and canteen facilities should be provided for this purpose. The main gate should be opened during the night only for entry and exit of officers who come for inspections or in the event of some emergency or unavoidable work.
- xxiii) This jail has always had a good number of high security prisoners. Special security arrangements are made for them and, as far as possible, they are kept in separate parts and wards of the jail. Sometimes, a few portions of the jail are got vacated to keep high security prisoners. This further adds to the acuteness of the problem of congestion in the other parts of the jail. Also, due to heavy pressure of work on all members of the staff they may not be able to devote the required attention needed by the high security prisoners. Since the jail remains extremely crowded and the population has been increasing, year by year,

it may not always be possible to ensure complete seclusion of the high security wings of the jail. Hence, it is necessary that not only the number of the existing high security prisoners in Tihar Jail should be reduced by transferring them to other prisons, as and when possible, such prisoners from other parts of the country should not be brought to this jail till the problem of overcrowding is solved and well trained and disciplined staff is available in adequate strength.

xxiv) Since this jail has been in the limelight for a long time the public and media are curious to know about the conditions prevailing there. Lack of information about the conditions in the prison and the limitations under which the prison staff works seem to have been adding to the adverse image of the prison. The news appearing about the Tihar Jail in the media are often based on insufficient information or wrong impressions. Possibility of making objective and factual information available to media through frequent briefings should be examined.

21.19. The All India Jail Manual Committee (1957-59), the Working Group on Prisons and the Mulla Committee (1980-83) had recommended that to become an efficient unit and a centre of protection and correctional treatment, the prison must essentially be a manageable unit. They had recommended that the maximum population of a central prison should be 750 and that of a district prison 400. We also agree with these recommendations although it may be added that in the USA and in European countries the present thinking is that the capacity of a new prison should not exceed more than 300 to 400 prisoners.

We were surprised to learn that the Delhi Administration was planning to build a jail at Mandoli, in Shahdara, to accommodate about 5,000 prisoners. A jail of this size will, perhaps, be one of the biggest prisons in the world. In our view such a jail will have all the ills and problems of Tihar Jail in a much magnified form. We feel that it would be most inadvisable to construct a jail of such a big size from the point of view of efficient management, adequate security and control of prisoners, proper staff discipline and for pursuing programmes of reformation and rehabilitation of prisoners. Problems of corruption and malpractices in a jail of such a huge dimensions, will also be considerable and will continue to multiply. Also, in a bigger prison there is greater obsession with security and prisoner control and little attention to the reformatory aspect and individualised treatment approach. We recommend that it would be best to build a number of jails in the Union Territory of Delhi, each with a capacity of 750 prisoners or less. Also, no two prisons of this type should be located too close to each other but should be separated from one another by sufficient distance, so that there is no concentration of prisoners and the staff in the same institutional area. A number of smaller prison units located separately from each other (preferably in different districts of Union Territory of Delhi) would be far better from the point of view of efficient management.

21.20. We were informed that the Delhi Administration had also decided to build a new jail for 1400 prisoners

in the farm land attached to the present Tihar Jail complex, which has already four sub-units. In its present state - the Tihar Jail complex is bedevilled very much with numerous problems and in our view it would not be correct to further multiply them by adding another big jail to it. It would be better to build this jail at a place away from the existing site of Tihar Jail and transfer some of its prisoners to the new jail to reduce its congestion.

21.21. We also agree with the other recommendations made by the Mulla Committee in their report dated 19th December, 1980, on Tihar Jail. The recommendations made by this committee in its final report covering the various aspects of the jail administration should also be implemented as far as they are applicable to Tihar Jail. The recommendations made by us in other chapters of this report for improvement of security and discipline in the jails should also be adopted for Tihar Jail.

CHAPTER XXII  
ROLE OF THE CENTRE

22.1 During the major part of British rule in India the jails were managed by the Government of India. The constitutional changes brought about by the Government of India Act, 1935, resulted in the transfer of the subject of jails to the control of provincial governments. After independence, also, prisons remained a state subject. A number of jail reforms committees were appointed by the State Governments, in the first decade after independence with the object of improving the conditions in the jails, but very little action to implement their recommendations was taken. The prisons always received very low priority from the State Governments and their conditions continued to deteriorate.

22.2 The Government of India have, from the very beginning, shown interest in prison reforms and on its invitation, Dr. W.C. Reckless, a U.N. Expert on correctional work, visited India during the years 1951-52 to study the prison system in the country and to suggest ways and means of improving it. His report 'Jail Administration in India' contains significant recommendations for prison reforms. He made a plea for transforming jails into reformation centres and advocated the establishment of better jails. He suggested creation of separate courts and institutions for confinement of juvenile delinquents. His recommendations also included creation of a cadre of properly trained personnel to man the prison services ; revision of outdated jail manuals ; and, introduction of legal substitutes for short sentences and establishment in each state of an integrated Department of Correctional Administration comprising prisons,

Borstals, children institutions, probation services and after-care services. Dr. Reckless also recommended the establishment of an Advisory Board for Correctional Administration at the Centre to help the State Governments in development of correctional programmes and creation of a national forum for exchange of professional expertise and experience.

22.3 In pursuance of the recommendations made by the Conference of the Inspectors General of Prisons, which was held after a lapse of seventeen years in 1952, and also those by Dr. W. C. Reckless, the Government of India appointed the All India Jail Manual Committee, in 1957, to prepare a model prison manual. The Committee was also asked to examine the problems of prison administration and to make suggestions for improvements to be adopted uniformly throughout the country.

22.4 The Report of the All India Jail Manual Committee 1957-59 and the Model Prison Manual prepared by it are commendable documents on prisons. They not only enunciate principles for efficient management of prisons but also lay down scientific guidelines for corrective treatment of various classes of offenders. The Committee also examined the laws affecting the custody and treatment of offenders and suggested amendments to provide a legal base for correctional work.

22.5 Based on the recommendations made by Dr. W. C. Reckless and also by the All India Jail Manual Committee, a Central Bureau of Correctional



Services was set up under the Ministry of Home Affairs, Government of India, in 1961. The functions assigned to it were :

- (i) to formulate a uniform policy and to advise the State Governments on the latest methods relating to jail administration, probation, after-care juvenile and remand homes, certified and reformatory schools, Borstals and protective homes, suppression of immoral traffic, etc ;
- (ii) to standardise statistical forms and collect, collate and interpret statistical data relating to prevention of crime and treatment of offenders on an all India basis ;
- (iii) to exchange information between India and foreign Governments and with the United Nations ;
- (iv) to promote research and staff training including establishment and control of central institutions (when possible), afford aid and guidance to such other institutions as undertakings, studies, survey and any required research and experimentation in the field; and
- (v) to disseminate information and stimulate interest by publication of bulletins, promotion of conferences, etc., for the above purpose with a view to secure the necessary appreciation of progressive correctional methods and public cooperation for rehabilitation of offenders and prevention of crime.

22.6 In 1964, the Central Bureau of Correctional Services was transferred from the Ministry of Home Affairs to the newly created Department of Social Security, now known as the Ministry of Welfare. However, the Bureau

continued to be attached to the Ministry of Home Affairs for various matters concerning jail administration and reforms and its Director was designed as ex-officio Prison Adviser. The Bureau continued to concentrate to a great extent on matters relating to prison reforms. In 1969, it organised an All India Seminar on Correctional Services. The seminar constituted several study groups, each under the chairmanship of a senior Inspector General Prisons or other expert in the field of correctional service. These study groups were to examine the subjects of prison programmes, classification of institutions and prisoners, education, training and treatment, progress in revising the state prison manuals; open prisons; changes in legislation; service conditions of correctional personnel; probation, after-care and welfare services in prisons; and training and research.

22.7 The Central Bureau of Correctional Services also organised inter-state study teams on open prisons and other correctional services. It made an important contribution in the development of training facilities for prison and correctional personnel at regional level. The Bureau organised the year 1971 as "Probation Year" all over the country. In 1972, the Ministry of Home Affairs, Government of India, appointed a Working Group on Prisons which presented its report in 1973. The Central Bureau of Correctional Services functioned as its base, offering all data and back ground and all

administrative and technical services to the Working Group in drafting and finalising its report and its director functioned as the Groups' Secretary. The Working Group on Prisons brought out in its report the need for a national policy on prisons and made some valuable suggestions for improvement of the conditions in the jails and correctional services.

22.8 In 1975, the Central Bureau of Correctional Services was re-organised into the National Institute of Social Defence and its objectives include ;

- (i) to review policies and programmes in the field of social defence ;
- (ii) to anticipate and diagnose social defence problems;
- (iii) to develop preventive, rehabilitative and curative policies in the field of social defence ;
- (iv) to identify and develop the instruments for realising the objectives of social defence policies ;
- (v) to review and evaluate the implementation of social defence policies and programmes ; and ,
- (vi) to develop and promote voluntary effort in social defence.

22.9 It would be seen that upto this period the efforts of the Centre were mainly intended to bring about uniformity in rules and regulations governing the prison administration and to institutionalise and standardise various facilities consistent with the overall objective

of reformation and rehabilitation of offenders. The function of the National Institute of Social Defence was now grounded on the idea that crime could be appreciated and solution provided mainly within the framework of socio-cultural life. What is needed is a regular study of the field realities and various factors connected with criminal behaviour which vary in different States and at different times. The Institute, therefore, has been concerned with various studies on preventive, curative and rehabilitative services in various areas of social defence.

22.10 Till 1975, the main focus of the activities of the Central Bureau of Correctional Services was on improvement of the jail administration and other connected matters but after it was changed into the National Institute of Social Defence, it started laying greater emphasis on issues connected with social defence. Although the two subjects are closely inter-linked almost all matters relating to prisons are now being handled separately by the Ministry of Home Affairs and those pertaining to social defence of persons in non-custodial conditions are being dealt with by the Institute of Social Defence under the Ministry of Welfare.

22.11 In recent years, the prisons have been targets of very strong criticism in Parliament and by the courts

and the press. From time to time, very serious cases of escapes have taken place and they underline the deplorable conditions of security and discipline in the jails and poor performance and training of the prison staff. Security and discipline in the prisons are closely inter-linked with all areas of prison activities and lasting and effective improvement in them cannot be brought about by tackling their problems in a piecemeal manner but only by improvement of the prison system as a whole.

22.12 In spite of the fact that the administration of prisons falls under the jurisdiction of State Governments and Union Territory Administrations, the Centre has been seriously concerned about the unsatisfactory and depressing conditions in the prisons in our country. The Government of India appointed a Committee in July, 1980, under the Chairmanship of Justice A. N. Mulla, to make a comprehensive review of the existing conditions and suggest measures for improvement. In its report (1983) the Mulla Committee has made an in-depth examination of various aspects of prison administration, including legislation, prison buildings, living conditions in prisons, medical and psychiatric services, security and discipline, system of classification, women prisoners, children in prisons, young offenders, after-care, rehabilitation, etc. The Mulla Committee has made 658 comprehensive

recommendations and the State Governments and the Union Territories have been advised by the Government of India to make use of its report to workout and reform the prison systems functioning under them.

22.13 The Central Government has also been extending financial assistance for the development and improvement of prisons. During 1976-79, Rs. 6 crores were sanctioned to various State Governments for the purpose of renovation of prison buildings, modernisation of prison industries and agriculture, construction of residential accommodation for prison staff and provision of scientific and technological facilities.

During 1979-85, under the VII Finance Commission Award, financial assistance amounting to Rs. 48.31 crores was given to 11 States. The grants were intended to be utilised for providing nutritious diet, better clothings, adequate medical care, jail amenities, such as water supply, sanitation and electrification and creating additional jail capacity to relieve congestion in jails.

Under the VIII Finance Commission Award, additional funds amounting to Rs. 137.56 crore will be provided to sixteen states during 1985-89. The grants will be utilised to create additional capacity for different categories of prisoners such as undertrials, young offenders, women offenders and lunatics ; to construct staff quarters ; and, to improve water supply, sanitation and electrification in the jails.

Recently, the Government of India approved a Rs. 50 crore scheme as central assistance to the States/ Union Territories for modernisation of prison administration. The areas to be covered include security and discipline in prisons; improvement and renovation of old jail buildings, specially central and important district jails; making organisational arrangements to strengthen prison administration ; providing facilities for women offenders like supervisory staff, medical and health care ; introduction of Borstal schools and other amenities ; providing medical and dispensary facility; strengthening arrangements for entrants and inservice training and providing treatment programmes for prison population. Schemes worth Rs. 100 crores will be implemented during the period 1987-90 on the principle of sharing expenditure on matching basis.

22.14 During our visits to the States we found that conditions in most of the prisons have continued to stagnate and worsen and due to paucity of finances and other reasons the prison department has been getting very low priority from the State Governments. The reports of the committees/groups appointed by the Government of India, from time to time, to suggest measures for improvement in our prison system and for its development on correct and enlightened lines were forwarded to the State Governments. But, unfortunately, in most of the States little progress has been made in implementation of even the recommendations accepted by them. Everywhere, we

found that the State authorities wanted help from the Government of India in a big way to accelerate development in prisons on modern lines and also to extend substantial financial assistance for this purpose. We feel that the Government of India should enlarge the extent and quantum of financial assistance to all the States, including revenue surplus States.

22.15 A stage has now reached when the Government of India should play a more active role to lay down policies on prison reforms and for ensuring their uniform implementation and to provide guidance and assistance to the States and Union Territories, as they have been doing in the case of police, which like jails, is also a State subject. For this an effective instrument or machinery within the Ministry of Home Affairs, Government of India, is very essential. At present, the cell in the Ministry of Home Affairs dealing with jails consists of one or two clerical hands, working under an Under Secretary, who is supervised by a Director. They all function under one Joint Secretary. These three officers have many other responsibilities in addition to the work of the jails. There is also no requisite expertise in the field of prison administration available with the Ministry of Home Affairs. We recommend that an effective machinery should be created under the Ministry of Home Affairs to deal with matter pertaining to prisons. For this the Government of India should create an organisation called the National Institute of Correctional Administration. This organisation should have the following two wings:-

- (i) Training Wing,
- (ii) Correctional Services Wing.



The training wing will meet the training needs of senior officers of the prisons. Apart from imparting training in policy formulation, planning and various aspects of management, the training wing of the National Institute would be expected to impart an all-India perspective of the development of prisons and other correctional services to these officers. The training wing of the National Institute should also organise special courses and refresher courses in close collaboration with the National Institute of Social Defence. It will also impart training to the members of the All India Prison Service, if and when it is created. It will provide advice, guidance and technical assistance in establishing training institutions, both at state and regional levels, for the prison personnel. It will also bring about uniformity in training for various ranks of the prison service and preparing training manuals.

The tasks assigned to the other wing ( i.e. the Correctional Services Wing) of the National Institute, will include the following :-

- (i) It should act as a specialised body on prisons for the Ministry of Home Affairs and advise the State Governments and the Union Territories Administrations in all matters connected with the prisons.

- (ii) It should try to bring about uniformity in various States and Union Territories with regard to management of prisons.
- (iii) It should organise biennial conferences of Inspector Generals/Director General of Prisons/Directors of Correctional Administration and take follow-up action for implementation of the recommendations made at these conferences.
- (iv) It should in consultation with experts evolve standards and norms for the architecture and designs of different categories of prisons taking into account their functional needs and security requirements.
- (v) It should make recommendations about uniformity in nomenclature, ranking structure, badges of ranks etc. of the personnel of prison service in various States and Union Territories.
- (vi) It should periodically undertake detailed studies of cases of riots, escapes and indiscipline in the prisons and suggest measures to deal with them.
- (vii) It should make a study of important court rulings and directives which directly or indirectly affect the management in the prisons and suggest measures

to implement the court directives and to deal with new situations, if any, as may consequentially arise.

- (viii) It should examine the projects undertaken by the State Governments and Union Territories in regard to buildings and other areas of prison work for which financial assistance is given by the Central Government.
- (ix) It should monitor the progress in the implementation of recommendations of the committees/groups which were appointed by the Government of India, from time to time, to examine and recommend reforms in the prison system and prepare periodical reports indicating progress in this connection.
- (x) It should make recommendations to standardise and prescribe uniform proforma for collection and compilation of statistics concerning prisons in the country.
- (xi) It should collate, process and analyse the prison statistics and publish it as to project the all India picture from time to time.
- (xii) It should obtain literature and publications on the prison systems in foreign countries and recommend which of the measures taken there for improvements in their prisons can be adopted in our country.

- (xiii) It should undertake research or study projects on matters like the following :-
- (a) Documentation systems prevailing in the prisons in different States and Union Territories and measures to streamline them and bring about uniformity.
  - (b) Use of technical devices in prisons for security and maintenance of records.
  - (c) Study of the locking systems in the prisons and measures for their improvement and sophistication.
  - (d) Establish and document the ways in which prisoners presenting different kinds of control and discipline problems can be best managed. Systematic research may provide a deeper understanding of the approaches that work best with different kind of difficult prisoners.
  - (e) To ascertain the perceptions of prisoners' experiences in jails. A knowledge of the factors that mostly affect the prisoner's views of the prison regimes may help in devising correctional and treatment programmes and handling of security/discipline problems in a more scientific and practical ways.
  - (f) Evaluation of education programmes in prisons.

22.16 The National Institute of Correctional Administration should, in our view, perform most of the functions for which Mulla Committee had recommended creation by the Central Government of three organisations, viz. the National Academy of Correctional Administration, the National Commission of Prisons and a Department of Prisons and Correctional Administration. The National Institute of Correctional Administration should be headed by an officer at least of the rank of a Joint Secretary. Each of its two wings should be headed by an officer who has preferably worked as Inspector General/Deputy Inspector General Prisons in a State at least for two years. There should also be necessary complement of experts in different areas of prison work, research officers, statistical officers, accounts staff, ministerial hands etc.

22.17 The existing set-up in the Ministry of Home Affairs to deal with the prisons should also be suitably strengthened and an officer who has had field experience at senior level in prison work, for at least 3 to 5 years, should be posted in the rank of Deputy Secretary/Director or Joint Secretary and a regular branch with requisite staff should be created under him. One or two jail officials should also be posted in junior ranks in this cell in the Ministry of Home Affairs.

22.18 The National Police Commission had in its second report, in 1979, recommended that the Centre should appoint a National Criminal Justice Commission in order to make a coordinated study of the working of the different disciplines of the criminal justice system, viz., the police, prosecution, the executive, judiciary, probation and the prison services. We also recommend that the Government of India should appoint such a Commission, as early as possible. The functioning of prisons is very closely linked with that of the other wings of the criminal justice system and individual examination of the working of each of them is not likely to bring forth desired solutions unless inter-related and inter-connected problems are studied in their totality. It is, therefore, essential that the functioning of all the wings of the criminal justice system should be jointly examined. Representatives from each of the wings of the criminal justice system should be members of the National Criminal Justice Commission.

22.19 We believe that the financial assistance which the Central Government has been extending to the States for improvement and reforms of the prisons in on 'matching basis'. During our visits to States, we got the impression that some of them would find it difficult to mobilise the matching funds. We recommend that the Centre should extend financial assistance, at least at the initial stages, on outright grant basis to the States for

improvement, reforms and modernisation in the following areas of their prison systems :

- (i) establishment of regional training centres for middle-level and senior officials of the executive wing of the prison service ;
- (ii) establishment of training centres for the warder staff and for in-service training courses of other officers in each State ;
- (iii) modernisation of security, communication and transport arrangements in the prisons.

22.20 In the end, we recommend, as was done by the Mulla Committee, that the subject of prisons should by a suitable amendment of the Constitution be brought in the Concurrent List so that the Centre may also be able to take legislative measures to provide the prison system a uniform framework for correctional administration. All acts pertaining to prison administration should be consolidated and new uniform and comprehensive legislation enacted by Parliament for the entire country on the lines suggested by the Mulla Committee.

CHAPTER XXIII

SOME PUBLIC IMPRESSIONS ON INDIAN PRISONS

23.1 Some impressions prevail that prisoners in our jails suffer torture and inhuman treatment. It is also alleged that they are denied even basic facilities and the behaviour of the jail staff towards them is cruel and degrading. Torture can be physical as well as mental. Our overall impression is that it would not be correct to say that the prisoners in our jails are victims of physical torture like beating and assaults at the hands of the prison staff. Most prisoners are lodged in large groups in barracks/dormitories which are usually under control of a single member of the warder staff. The prisoners are increasingly becoming more and more conscious of their rights and privileges with a good many of them being considerably assertive. Hence, even if some members of the jail staff are prone to physical torture as a method of controlling the inmates they would be reluctant to indulge in such action for their own sake in the face of higher numerical strength of groups of prisoners. However, stray complaints of physical assaults by individual jail officials on prisoners in situations of isolation, like those living in cells, are reported some-times. Such undersirable action on the part of a jail official is generally either to coerce a prisoner to arrange bribe or to control and discipline a defiant or difficult prisoner. Jail officials indulging in such mal-practices merit strict and deterrent action.



23.2 There is hardly any evidence that physical torture of inmates in our jails is a common feature. They may, however, become victims of what may be called mental and psychological torture, caused by the deplorable living conditions in most jails. Denial of some basic facilities coupled with the unsympathetic behaviour at the hands of the warders, who mostly come in direct contact with prisoners, leads to frustration and tension. Non-production in courts on due dates on account of non-arrival of police escort and unnecessary adjournments of his case in courts add to his trauma. Delays in release on parole for want of verification reports from district authorities increase his anxiety and mental agony. Neglect in proper medical attention in the jail hospital or outside institutions further adds to his pain and helplessness. The cumulative effect of this mental and psychological stress increases the prisoner's frustration and hostility towards the prison administration. This may, at times, manifest itself in acts of indiscipline, defiance or even violence. Thus, the prison management may face hostility on account of the mental agony of the prisoners caused by acts of omissions or commissions not only by them but also of those in other wings of the criminal justice system, i.e. the police, judiciary and the executive, on which they have no control. Even in regard to poor living conditions of the inmates in the prisons and lack of basic facilities the jail superintendents are often helpless because of inadequate funds and low priority attached to these requirements by the State Governments and other departments like the PWD which is responsible for construction, maintenance and repair work in the jails.

23.3 During our visits to the various jails, we felt that the poor living conditions in most institutions must be causing considerable psychological pain, agony and distress to the prisoners. But we observed that the jail officials also, at many places, appeared a harassed and unhappy lot. Many of them were conscious of the need for proper and decent behaviour of their staff towards the prisoners, but they displayed considerable helplessness, demoralisation and psychological despair. The staff placed at their disposal is generally inadequate, badly trained and poorly or not at all oriented towards correctional administration. Most of the staff members perceive their role as mainly of custodial administration through harsh treatment of inmates. Lack of cooperation, neglect and indifferent attitude of other departments towards vital matters in prisons result in mental and psychological torture of the prisoners and add to the diffidence and disappointment of prison staff. The increasing number of complaints, many reportedly on false and frivolous grounds, which are filed in the courts by prisoners or their supporters also add to the problems and indirect harassment of the jail officials. Such complaints hamper their initiative and frequent visits to government counsels, who deal with their cases with dis-interest, and to the courts where progress is slow, create feelings of harassment among them. Most of the Indian prisons, thus, present a picture of harassed prisoners and equally harassed prison keepers.

23.4 For efficient prison management and also for removing the causes for the psychological distress of prisoners in the jails, it is essential that there should be close coordination between the officers of all departments, which directly or indirectly affect the life of the prisoners. As we have recommended earlier, to achieve better coordination and understanding among the judiciary, law enforcement and correctional agencies, a committee should be set up in each district consisting of representatives from judiciary, magistracy, the police and the prison administration and it should meet at least once a month to discuss the problems of local prisons and inmates lodged there. The local representatives of the PWD and the medical department should also attend these meetings. Similar coordination committees should also be set up for sub-jails at the local level. Holding of monthly meetings by these committees should be made mandatory. These committees should be different from the boards of official/non-official visitors which are appointed for various prisons. At the State level, also, apart from the State Advisory Board recommended by the Mulla Committee, a coordination committee of the officials under the chairmanship of the Chief Secretary or Home Secretary to look into the problems of prisons should be appointed. It should meet at least once in three months. Among others, the Inspector General Prisons, Director General/Inspector General of Police, Chief Engineer, PWD and Director of Health should be its members.

23.5 The newly recruited officers of the police, judiciary and the executive services during their initial training and also in refresher courses should be made to acquire first hand knowledge of the working of the prison system, particularly of those subjects concerning their departments, even if indirectly. The subject should be included in their training syllabus. Similarly, jail officials should be acquainted with the working of the police, judiciary and the executive, with emphasis on the areas of interaction both during initial and in-service training.

23.6 The general image of the prison department in the eyes of the public and media alike is poor. Judgements by courts, including some by the higher courts, indicate that, perhaps, the same impression prevails in the mind of the judiciary. This results in almost a continuing adverse presumption against the prison department. Jails, therefore, never got objective publicity but continue to get bad publicity. Many wrong impressions about jails are the result of generalizations based on isolated incidents. The primary responsibility for improving the image of the jails lies with the State Governments and the prison administration itself. In spite of the various limitations, the prison administration should make concrete and sincere efforts to improve its performance and efficiency. Good leadership, better training of the staff, sympathetic and human treatment of the prisoners, grant of privileges and rights to them, as permissible under the rules and the law, strict and firm discipline and high integrity and constant alertness on the part of the staff, will help to some extent in clearing some of the wrong impressions prevailing about our jails. The State Governments should also realise the

need for greater attention and accord high priority to the requirements of the prison systems.

23.7 The people in general and even the media are not conversant with realities of our prison system, the legal position as it affects and governs the jail administration, the requirements of security, the problems of discipline and control of the prisoners, etc. The closed character and the isolation of prisons has created an impression of mystery and secrecy about the conditions and activities inside them. The common man feels that the high walls of the jails are only to hide the 'sinister' activities going on inside rather than to ensure security of law-breakers lodged there. These ideas are further strengthened by the frequent press reports about the complaints filed by the prisoners. Many of these complaints reportedly contain false and baseless allegations and originate from undersirable, influential or moneyed prisoners or their supporters. The fact of dismissal of these complaints by the courts is seldom publicised by the press. Often, the press tends to rely on deficient information, rumours, speculation and distortion. Sometimes, influential and sophisticated prisoners or powerful smugglers and gangsters lodged in the jails or their supporters encourage anti-prison propaganda in order to mislead the public and even to subdue the prison staff into granting illicit privileges.

23.8 Apart from the prevailing bad image of the prison administration, the reasons for some of the wrong impressions in the public and the media relating to our jails are that the State Governments and the

jail departments have generally followed a closed policy and have not tried to educate them about the actual position. The lack of official cooperation in divulging details regarding prisoners also causes annoyance to media personnel and so they attempt to report in a prejudicial and antagonistic manner against the prison administration. Even where positive measures have been initiated towards improvement of prison conditions, welfare of prisoners and for their reformation, the media have not been informed about them. We found during our visits to the States that there is general consciousness to bring about the changes for betterment of the jails and at a few places progress in that direction has been made. In quite a few jails, measures have been initiated to provide better facilities to women prisoners and to improve the quality of food. In many places free legal aid to the prisoners and amenities in the form of ceiling fans, ~~better~~ lighting and recreational facilities like TV, radio etc. are being provided. People and the press should be periodically informed about these measures. No efforts are also made to tell the press and the people about the problems of security and control created inside the prisons by influential, moneyed or dangerous prisoners or those of notorious gangs.

23.9 In our view, it is not advisable for the prison administration to follow a completely "cut off" policy vis-a-vis the public and the media. Good relations between the prison department and the media are desirable. The management of prison establishments should gradually adopt an approach of openness. The people should know about

our jails and the penal policy and they should be provided objective information. Willingness to inform the public about the prisons, and also of the limitations of the prison administration, would lead to better understanding and greater appreciation of the role, functions and constraints of prison administration.



CHAPTER XXIV

SECURITY vis-a-vis REFORMATION

24.1 In the past prisons were considered as penal institutions where the offenders were to be kept so that the society could remain free from their criminal activities. The prison staff, therefore, considered the safety and security of the prison and its inmates as its primary responsibility. The evolution of the prison system in India has been mainly on this basis. It was also planned that the expenditure on operation of our jails should be the minimum. While in western countries prison housing involved building of mostly single cells/rooms, in India large barracks/dormitories, which were comparatively cheaper to build, were constructed to lodge together big groups of offenders of all types. The facilities provided for the prisoners in our jails were minimum or even sub-human and the quantum of staff and other resources were least and highly inadequate. Since a very small staff was required to keep under control a large number of dissatisfied and disgruntled prisoners, many of whom were violent and aggressive, the technique of the prison officials in handling them was generally marked with harshness and repression. The prison officials had come to convince themselves that any sign of milder and humane approach towards the prisoners under their charge, most of whom remained discontented and hostile, might invite reaction of indiscipline or defiance from their side.

24.2 In recent years the living conditions for prisoners in many jails have deteriorated further. There is extreme overcrowding and the extent to denial of basic facilities has been increasing. Prisoners have become more conscious of their



rights and privileges and although a majority of them still accept the unhappy conditions in the prisons submissively, a number of them do not hesitate to give expression to their resentment and dissatisfaction. In each prison there are also a good number of difficult prisoners, who besides themselves being aggressive incite and exhort others to create problems of discipline. There are also bully or influential types or intriguers who subvert the other prisoners. The number of high security prisoners like terrorists and professional murderers and dacoits is also increasing. All this has been creating more and more problems related to safety and discipline in the prisons. This requires greater vigilance, efficiency and expertise on the part of the prison staff. However, the strength of the staff and availability of other resources in our prisons remain woefully inadequate.

24.3 In the prevailing situation the objective of treating jails as correctional centres for reformation and rehabilitation of the prisoners is being emphasised. It is being stressed on the jail staff that while maintenance of security and discipline in the prison continues to be its basic objective, it should also pursue treatment programmes for prisoners, on individualised basis, so that they leave the jails as socially rehabilitated beings. We found during our visits that all this has created considerable confusion and cynicism in the mind of prison officials. Many of them point to the apparent incompatibility between the two objectives. They ask how can they implement programmes for reformation

and rehabilitation of the prisoners when they are not in a position to provide basic facilities and remove those ills which are causes of distress, irritation and resentment among them. They perceive that in the present conditions any softness in their behaviour or humaneness in their dealings with the prisoners, which are essential for gaining latter's faith and cooperation to undertake reformative programmes, may be construed as signs of weakness of the staff. This may prove counter-productive and create situations which may jeopardise the safety and security which is their basic objective. Thus, in the context of prevailing ills in the jails, many of which are beyond the capacity of the prison department to remove, there is general cynicism and little faith among the prison officials in the modern philosophy of converting the jails into centres for preparation of inmates for social rehabilitation.

24.4 We feel that if such feelings are prevailing in the minds of the jail officials they are not to be entirely blamed for them. For pursuing the objective of reformation and rehabilitation, without diluting the requirements of security and discipline, not only sympathetic and decent behaviour towards the prisoners is needed, but their living conditions should be improved. The factors which cause resentment and hostility among them and are responsible for denial of their legitimate rights should also be removed. In addition to this, the prisons should be provided with the means and the resources, including staff, for undertaking prisoners' treatment programmes. Arrangements should be made for reception and quarantine

of prisoners after admission in jails and their scientific classification by a committee consisting of specialists and experienced prison officials.

The prison officials should also be in a position to segregate the prisoners in small homogenous groups based on recommendations of the classification committee. There should also be facilities for diverse programmes involving education, vocational training and recreational activities, individual/group counselling, etc.

The prisoners will have to be allowed greater association and movement inside the institution. All this would have to be done under conditions of strict discipline and without compromising the needs of security. This would mean greater strain on the system and would demand considerable augmentation of the staff and its proper training and motivation.

24.5 We feel that so long as these requirements are not fulfilled most of the existing jail staff will continue to look at the objectives of reformation and rehabilitation with disbelief and treat them merely as hollow exhortations by those who, according to them, have little appreciation or knowledge of realities prevailing in our prisons. Even if they are convinced about the importance of the new objectives they would be inclined to be hesitant and diffident in pursuing them because of the feeling that any action in this regard in the absence of required apparatus, resources, and facilities would only lead to erosion of discipline and serious security problems. A jail official knows that escape of a prisoner or a riot by some inmates may mean his dismissal or serious punishment to him, but the release of a prisoner, without having been prepared

during his captivity for a good and useful life might only invite criticism for his alleged primitive ways of handling the prisoners. In our view mere exhortations in training centres to the prison officials to convert the jails into institutions for reformation and rehabilitation of prisoners are likely to have little effect towards orientation of their minds in the direction of new philosophy till adequate staff and other resources are provided in the jails and the living conditions of prisoners are improved. We should create such conditions in the prisons that the staff feels confident that relaxation in its hard policy in handling the prisoners and steps towards their reformation would not create problems of security and control. Hence, it is essential that while making all efforts to convince the jail officials of the importance of the new concept of imprisonment of offenders and accordingly reorient their training we should also take concrete measures to prepare the jails for undertaking schemes and programmes for prisoners' reformation by providing the required machinery, staff and other resources and correlating them with the basic objective of security and discipline. At the same time, it would be incorrect on the part of the jail officials to wait till ideal conditions are created and not to take even limited action, within the ambit of the existing resources, in the direction of treatment programmes for prisoner's rehabilitation and to educate and motivate the staff for the same. They should realise that there is no incompatibility or contradiction between security and reformation and both are complementary to each other.

CHAPTER XXV  
SUMMARY OF OBSERVATIONS AND RECOMMENDATIONS

I. PRESENT CONDITIONS OF JAILS IN THE COUNTRY

1. Indian jails have, always presented a dismal picture and were accorded low priority by Government. Little action has been taken on recommendations of various Committees/Groups appointed by the Central and State Governments on prison reforms. (Para 1.1)

2. The basic pre-requisites for improvements in the jails are :-

- (a) making the reformative/rehabilitative approach a reality;
- (b) scientific and human approach in handling and treatment of offenders ;
- (c) de-congestion of over-crowded prisons and their division into manageable units ;
- (d) improvements in basic facilities and living conditions compatible with human dignity ;
- (e) proper training of personal staff and removal of dis-satisfaction to create a devoted cadre ;
- (f) all round tightening of security arrangements ;
- (g) tightening of discipline, among inmates and staff ;
- (h) identify the areas of corruption/malpractices with stringent measures for uprooting them ;
- (i) adoption of principles of modern management. (Para 1.3)

3. Security and discipline are essential not only for efficiency but also for correctional programmes. In view of its considerable deterioration, there is a dire need to review all aspects of security and discipline for various categories of jails.

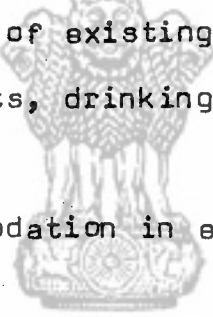
(Para 1.4)

## II. CATEGORIES OF PRISONS AND PRISON BUILDINGS

4. Several central and district prisons and sub-jails are over-crowded, having inadequate accommodation, absence of segregation facilities and insufficient staff. Buildings of most jails are in deplorable state and lack adequate basic facilities like lighting, water supply, toilets etc. (Para 2.2 )

5. Segregation of inmates into small groups is essential for proper security and discipline. (Para 2.5 )

6. As the long term objective of separate institutions for young offenders, lunatics, women and undertrial prisoners etc. may take time due to financial constraints, the following action should be taken in order of priority :-

- 
- (i) repair/renovation of existing buildings with provision of adequate toilets, drinking water and lighting facilities ;
  - (ii) additional accommodation in existing jails to remove congestion ;
  - (iii) creation of quarantine/observation units for classification and treatment programmes ;
  - (iv) segregation of inmates in smaller groups by partitioning existing barracks.
  - (v) separate arrangements for women offenders and young offenders ;
  - (vi) creation of special security wings in prisons ;
  - (vii) construction of new buildings to replace those beyond repairs ;
  - (viii) creation of training institutions at the state and regional levels ;
  - (ix) construction of family quarters for 75% staff of each prison in 5 years ;

- (x) establish camps for non-violent political/economic agitators ;
- (xi) separate arrangements should be made for mentally sick prisoners ;
- (xii) earmarking some jails exclusively for convicts and the rest for the undertrials in each State. (Para 2.8)

### III. PRISON ARCHITECTURE AND BUILDING REQUIREMENTS.

7. There is a close relationship between the architecture and the design of a prison building and management philosophy. With the new approach in correctional philosophy it is necessary that the design of the new building should combine secure confinement with opportunities for effective rehabilitation, through job training, education, health, social programmes, etc.

(Para 3.1)

8. The Ministry of Home Affairs should appoint a committee of architects/engineers and a few IG Prisons to prescribe minimum standards and prepare model type designs for different categories of prisons to be adopted by the States with variations as be locally required. This committee should also render expert opinion on prison building plans designed by State Government.

(Para 3.2)

9. Services of this committee should also be made available to the States for consultation and obtaining expert opinion in regard to building plant/designs made by them independently for construction of some of their prisons. (Para 3.2 )

10. Each state should have a departmental committee under IG Prisons for pre-design planning of new prison to spell out detailed requirements, duly considering its capacity of inmates, strength of staff, classification, types of correctional/ training programmes proposed, categoris of prisoners,

requirements of security/discipline, etc. (Para 3.4)

11. We recommend that note be taken of the following while planning new prison buildings ;

- (i) The design should combine security needs with functional utility in an atmosphere conducive to efficiency and harmony for both the inmates and staff.
- (ii) While locations should not be in close proximity to seashore, international border, airfields, busy roads in congested or low lying areas, they should also be not too far from the main towns.
- (iii) Central and district jails should not have capacity exceeding 750 and 500 respectively.
- (iv) There should be scope for individual occupancy as far as possible. We should, plan for 'rooms'-and not 'cells' as they meet goals of decency and humaneness and provide more flexibility and better security. However, some cells for segregation of inmates and for purposes of security & punishment would be needed.
- (v) Multiple occupancy should be in the form of rooms or dormitories for a maximum of 12 inmates. Segregation in smaller groups is better not only for preventing contamination but also for security and correctional programmes.
- (vi) Both rooms and dormitories should have attached toilet/ bathing facilities, at the rate of one flush latrine for six inmates. Tiled walls with smooth stone floors in toilets are more hygienic. Extra cost would be off-set by savings on maintenance.



- (vii) There should be provision for quarters for the staff in a separate colony near the prison.
- (viii) Provision should be made for special security wings.
- (ix) There should be provision for reception, admission, classification and treatment and other programmes for prisoners.
- (x) Provision for workshops, vocational, educational and recreational facilities, gymnasium, hospitals, interview rooms, rest rooms for the staff etc.
- (xi) Building technologies should be so devised as to cater to security needs, as far as possible, through unobtrusive physical controls. Also provision for secure perimeter walls, search rooms, control rooms, gaps between walls of the wards and the outer perimeter wall with a sterile area outside it. Special security prisons to have watch towers along the perimeter wall, while all closed prisons to have central watch towers along the perimeter wall, while all closed prisons to have central watch towers.
- (xii) A road for patrolling outside the perimeter wall should be built.
- (xiii) Instead of old radial/circular model, a rectangular model can meet the requirements of security, custody and treatment equally well. In a rectangular model the inside appears less formidable and provides scope for landscaping and outdoor programmes.
- (xiv) Open spaces outside and inside a prison, should be preferably landscaped to apparently soften the harsh prison environment.

- (xv) Roofs should not provide concealment spaces and tiled roofs should be avoided. Steel and wooden frames for supporting roofs should not be used.
- (xvi) Provision of a room for censoring mail.
- (xvii) Secure admission rooms with view windows should be in the administrative block near the main gate for all activity connected with new inmates like identification, searches, photographing etc. (Para 3.6 )

12. In addition to the above, we also agree with the recommendations of the Mulla Committee in Chapter V of its report (Para 3.6)

#### IV. SECURITY ARRANGEMENTS

##### PERIMETER SECURITY

13. Strong perimeter security in prisons is vital. While permitting greater movement and freedom of association, among prisoners, it also imparts a sense of security to staff enabling them to devote greater attention to their duties including those of treatment programmes. (Para 4.2 )

14. The following are our recommendations for improving perimeter security :

- (i) All closed prisons, including sub-jails should have secure perimeter walls, of not less than 18 feet height while those of special high security prisons between 18 and 21 feet.
- (ii) There should be an 'out of bounds' area all around outside perimeter wall with barbed wire fencing with an outer gate' at some distance in front of the main gate.
- (iii) The 'out of bounds' area should have a road for patrolling on foot or vehicles when required.
- (iv) The entire area inside and outside the perimeter wall should be adequately lighted but with no fixtures near

- (v) Guarding of the perimeter wall inside should be by warder staff and not convict officers; staff strength if necessary, should be increased.
- (vi) Ladders for repairs should be placed only outside the wall, under orders of the superintendent, while those using ladders, ropes, wires etc. for repairs should throughout be supervised by the jail staff.
- (vii) No structures should be erected within 15 feet of the perimeter wall on either side and existing ones be demolished.

(Para 4.5)

#### WATCH TOWERS

15. Strategically located watch towers along the perimeter wall, manned throughout by alert and efficient staff, adhering to rules, and provided with basic equipment, are best for security.

(Para 4.6 )

16. The following are our recommendations on watch towers for effective security :

- (i) Watch towers should be built along the perimeter only when staff is available for manning them round the clock. Unmanned towers may create security problems.
- (ii) They should be manned only by young, intelligent and alert staff having good practice in handling of fire-arms issued to them.
- (iii) In each shift, two armed men should man the watch tower.
- (iv) The door of the tower should be locked from inside and the key kept by the man on tower duty. Entry thereto, including by staff, to be permitted on identity being established and for valid reasons.
- (v) Walkie-talkie communication between towerman and the control room and the main gate should be provided.

- (vi) On change in shift, the towerman should be notified by his superior of the identity of his reliever.
- (vii) The towerman should be alert and remain observant, maintaining constant watch in all directions. Any unusual activity on either side of the perimeter wall should be promptly reported to the control room.
- (viii) All watch towers should be alerted about any attempt to escape.
- (ix) Description, including registration number of vehicles passing close to any tower, should be reported immediately to the control room.
- (x) Each tower should be equipped with binoculars, torches, search lights and a Very Light Pistol. The latter two to be used only when absolutely necessary.
- (xi) During darkness anybody approaching the tower from either side of the wall should be challenged by flashing torch on him. The staff should answer by returning the flash. Such challenge if not properly answered, should be reported to the control room.
- (xii) Special care should be observed for arms to prevent their dropping or knocking down.
- (xiii) Tower men should carry their food/drinking water requirements for the entire shift.
- (xiv) Reading, listening to radio, unofficial writing etc. and any activity likely to distract attention of the towerman should be prohibited, with disciplinary action being taken for neglect.
- (xv) Relief on sickness or the like should be sought from the officer of the control room and the tower should not be left without being duly relieved.

- (xvi) The design of watch tower should permit optimal all round view and be covered for protection from rain/strong winds. (Para 4.7 )

#### CENTRAL CONTROL TOWER OR OBSERVATION TOWER

17. While most recommendations for the perimeter watch water apply to the central observation tower, we further make the following recommendations for them.

- (i) Powerful revolving flood-lights be fixed so as to illuminate the entire jail area.
- (ii) Effective communication between the tower, control room and main gate, through walkie talkie as well as intercom, should be provided apart from communication links with various wards, hospital, workshops etc.
- (iii) Central observation towers should be built in all central, district and special/maximum security prisons.
- (iv) Trees in the compound should be pruned to allow unrestricted view from the central observation tower.

(Para 4.8 )

#### MAIN GATE

18. The Main Gate is the most important and sensitive part of a jail. Many escapes took place because of non-adherence to rules and security instructions, due to over-work, negligence or connivance of staff at the main gate. (Para 4.9 )

19. The following are our recommendations for the security of the main gate :-

- (i) All provisions of jail manuals should be strictly adhered to .
- (ii) Both the outer and inner gates should be fully covered by steel sheets to obstruct view from outside. Both gates should have peep windows and wicket gates.

- (iii) Minimum possible activity shall be permitted in the main gate area (i.e. between the two gates). Separate rooms should be provided for searches of prisoners, staff and articles.
- (iv) No crowding should be permitted in the main gate area. Prisoners to be taken to courts or elsewhere should not be made to wait there. For them a separate shed/room inside and near the gate, with security staff should be provided.
- (v) Convict officers should not be allowed for any work in the main gate area.
- (vi) The main gate area should be well lighted and equipped with emergency lights.
- (vii) In absence of a control room, alarm switch should be in the main gate area and should be checked morning and evening for being in working order.
- (viii) Gate keepers of district or central jails should be at least of the rank of Head Warders. The main gate area should be under the supervision of a Deputy Jailor or Assistant Jailor who should be on duty in eight-hourly shifts. In Special Security Prisons, the supervisory officer should be of the rank of Deputy Superintendent.
- (ix) Outside men like mechanics, plumbers, etc. should be permitted to enter only on superintendent's orders and accompanied by a jail official. All tools/articles be tested on entry and checked on exit.
- (x) No one wearing masks/sun-glasses should be permitted entry except on being fully satisfied about ones identity.

- (xi) No person under the influence of liquor should be allowed to pass through the main gate.
- (xii) No reading material, radio., T.V., or anything which may distract attention of the staff should be permitted in the main gate area.
- (xiii) Minimum strength of warder staff in the main gate at a time should be three. In Special Security Prisons more staff will be needed.
- (xiv) The strength of the armed guard outside the main gate should be augmented and the armed sentry should be properly located so as to prevent attacks or storming of the gates. In Special Security Prisons there should be an armed guard of a para military force or police armed battalion at the main gate.
- (xv) Prisons should have a single-entry/exist point i.e. the main gate, and all other entry points, if any, should be permanently closed.
- (xvi) In Special Security prisons, and central and district jails, metal detectors and other sophisticated gadgets for searches should be provided in the main gate area.
- (xvii) There should be an enquiry office outside the jail near the main gate with separate warder staff. (Para 4.10 )

#### LIGHTING ARRANGEMENTS

20. Proper and adequate lighting of all parts of the jail is very important from the point of view of security. The following recommendations are made to improve the lighting arrangements :-

- (i) Light points in barracks, wards/cells should be increased and bulbs of higher power fixed in them.
- (ii) Open spaces and areas on either sides of perimeter wall should be flood lit.
- (iii) Special Security, central and district prisons should have separate power feeders.
- (iv) There should be a stand by generator in each prison.
- (v) For security reasons there should not be any restriction on jail superintendent for purchase of bulbs/other electrical items for minor repairs/replacements.
- (vi) There should be a qualified electrician in each jail.
- (vii) Emergency lighting equipment should be provided to all the jails.
- (viii) Jail staff on night duty should be provided with torches.

(Paras 4.11 & 4.12 )

#### SECURITY OF WARDS

21. A ward usually comprises the following :
- (i) A building block of one or more barracks/dormitories, each with a capacity of 50 to 100 prisoners. Some wards also contain the cells.
  - (ii) A block of lavatories/bathrooms slightly away from accommodation barracks.
  - (iii) Some open space, usually known as the yard, around the building block.
  - (iv) A segregation wall, about 8 feet high, surrounding the entire yeard, normally with a steel grating gate

(Para 4.13)



22. The following are our recommendations for security of wards :

- (i) For better security and control the prisoners should be segregated into smaller groups. Existing barracks should be partitioned into smaller rooms to accommodate upto 12 prisoners, with attached flush toilets and baths. Searches will be more thorough and effective if prisoners are segregated into small groups.
- (ii) For wards upto 100 prisoners, at least two warders should be on duty, in each shift. An extra hand per shift should be provided, for every additional 50 prisoners.
- (iii) The warders should be briefed to endeavour to know as thoroughly as possible each prisoner. This will help in assessing security requirements for him and also in devising correctional programme.
- (iv) A list of prisoners should be maintained for each ward. Daily roll call should be taken with proper identity and physical presence being checked.
- (v) Grills, grating, doors etc, should be daily checked by warders. Special team, under an Assistant Jailor should also be detailed for checking these every day.
- (vi) Staff should remain alert and watchful about signs of any unusual activity, changes in individual or group behaviour of prisoners.
- (vii) Even minor incident of indiscipline, though sorted out, should be noted and reported.
- (viii) Staff behaviour towards prisoners should be humane, sympathetic, but firm, with violation of rules being strictly dealt with.

- (ix) While convict officers may assist the warders under no circumstances should they perform any duties independently much less those duties connected with safety, security and supervision.
- (x) A ward diary should be kept by the warder in-charge to record roll calls, verification, handing/taking over and other significant incidents. (Para 4.10 )

#### ARMS AND AMMUNITION

23. Most jails have .410 muskets and some a few revolvers also. In few terrorist affected States, .303 rifles have also been issued. The .410 ammunition is of very old vintage with no fresh supplies since a long time. Jail officials want replacement of the obsolete .410 muskets by .303 rifles. Majority of the warder staff, have not done any firing even with the .410 muskets. (Para 4.17 )

24. The following are our recommendations :
- (i) Jail staff should ensure proper maintenance of fire-arms.
  - (ii) Best possible use of .410 muskets should be made till replaced by a better weapon.
  - (iii) Regular firing practice should be done by jail staff with available firearms.
  - (iv) The Government of India should arrange adequate supply of .410 ammunition.
  - (v) An appropriate fire-arm, not lethal but capable of immobilising and having a good range, should be identified for jails.
  - (vi) Till a suitable weapon is found for jails .410 muskets should be replaced by 7.62 mm S.L.Rs. for use in towers and outside the jails in normal times. Riot guns, with plastic pellets, and stun grenades, should be issued for use

inside prisons. In Special Security Prisons, carbines (9mm 1A) may be issued to one or two members of the armed guard posted at the jail.

- (vii) Revolvers may be issued for personal security of jail officials who receive threats only for use outside jails. Adequate training in handling of revolvers and their security by the concerned jail officials should be ensured.
- (viii) Quarter guard and armed sentry should be located in close proximity to the main gate and the armoury.
- (ix) Standing orders for the security and maintenance of arms and ammunition, as for police, should be issued. Necessary racks, chains, locks, etc, should also be provided.
- (x) If in any situation arms and ammunition are to be taken inside the jail they should be carried separately by different persons moving adequately apart to prevent possibility of their simultaneous seizure. (Para 4.22 )

#### SEARCHES

25. Searches are extremely crucial for prison security. Their purpose is to prevent contraband, such as weapons, messages, drugs, money etc. entering the prison; to detect manufacture/possession of some contraband articles within the prison; to check petty thefts, and to ensure prison security. Searches of prisoners and the visitors are absolutely essential. Searches, even of jail staff would be desirable, because of the increasing malpractices.

(Para 4.23 )

26. The following are our recommendations for effective conduct of searches :

- (i) Jail officials should have knowledge of articles prisoners are permitted to keep.

- (ii) Jail staff should have perception of possible concealment places in barracks, lavatories, workshops etc.
- (iii) Before search prisoners should be made to stand outside the cell/barrack and bodily searched. It should be ensured that nothing is passed on from one prisoner to another during search of barrack/cell.
- (iv) Even the most obvious things/places should not be overlooked. Articles like clothes, bedsheets and even pages of books may be used for concealment.
- (v) Searchers should proceed in systematic manner. Each article should be examined and searched thoroughly at a time without upsetting everything. Personal articles of prisoners should be handled with care.
- (vi) While searching an individual the searcher should not be in vulnerable position vis-a-vis the person searched.
- (vii) When a group of prisoners is to be searched they should be lined up and asked to present themselves one at a time arms extended and with back towards the searcher. After search a prisoner must be made to move away from those yet to be searched. On completion of search the area should be checked for concealed contraband dropped or thrown away.
- (viii) While searching boxes/articles both the container and contents need to be examined.
- (ix) Vehicles, including their under-side and the engine compartments should be thoroughly and systematically searched from one end to the other.
- (x) In living quarters (cells & dormitories) cracks in walls, lighting fixtures, ventilating shafts, night toilets, clothes, pillows, books, magazines all need through check.

~~Medicine bottles, window bars, frames and ventilators~~  
should be thoroughly examined.

- (xi) Frequent, random and surprise searches are essential. The staff for searching a set of prisoners or buildings should be rotated.
- (xii) During searches, it is not necessary to 'tear up' an area. Personal articles of a prisoner should not be thrown about by the searching staff, as it causes resentment.
- (xiii) Searches should be so conducted that the prisoners realise that only those with contraband etc. would come to grief.
- (xiv) The importance of searches in prison security should be continuously and periodically impressed upon all ranks of staff who should be thoroughly briefed and trained in their techniques.
- (xv) Electronic gadgets to aid in searches, like metal detectors and explosive detectors should be provided to the prisons.

(Para 4.27 )

#### SECURITY AND CONTROL OF TOOLS

27. Various tools and implements are used by prisoners in workshops, gardens, kitchen etc. Even those in common use can pose a serious threat to security of the prison. The following action is recommended :-

- (i) A central inventory of all the tools and implements should be made and supervised by a Deputy Superintendent.
- (ii) Officers in-charge of each unit should keep a separate inventory with description, numbers, size/type etc. of the tools under his charge.

- (iii) Apart from an annual review of the central tool inventory, there should be physical verification at least twice every month. For Special Security Prisons, a bi-weekly verification report should be sent by in-charge of each work unit to his superior.
- (iv) Although every tool given to work assignment unit(factory, workshop) should be controlled and accounted for, some tools like welding torches, hack-saws, pipe-cutters, bolt-cutters, etc, are more dangerous and require maximum watch.
- (v) Precautions should be taken even against broken tools, like broken piece of saw blade, which could be used to cut steel bars.
- (vi) All tools should have an indelible code mark of the work unit on them.
- (vii) Issue and return of tools should be under acknowledgement.

(Para 4.25)

#### CUSTODY OF LADDERS

28. While small ladders under five feet should remain security chained to posts, longer ladders should not be kept at any place enclosed by the perimeter wall of the prison, but in locked store rooms in administrative block. Ladders when required for work should be under constant watch of a jail official. ( Para 4.26 )

#### FACTORIES AND WORKSHOPS

29. The following are our recommendations :

- (i) Discipline and all security precautions are essential in the factory/work places where prisoners should be constantly kept under watch both by warder staff and also the technical hands.

- (ii) Scrutiny and accounting of tools and implements in the workshops is essential. A separate locked cubicle should be kept for tools and an accurate daily record maintained of tools issued and returned by prisoners.
- (iii) The tool room should have a 'shadow board' or a section of the wall on which the outline of the tools is painted in the position in a contrasting colour. The 'shadow board', though no substitute for staff alertness enables detection of missing tools at a glance.
- (iv) At no time rods, wires or ropes should be left under the charge or accessible to prisoners.
- (v) Inflammable articles used in prison factories should never be given to prisoners except under direct supervision of jail staff.
- (vi) For searches of workshops/factories/work units etc. the same procedure as that for living quarters should be followed.
- (vii) Lockers, tool chests, pipes, furniture etc. and in short, any place where tools or contraband can be hidden should be thoroughly searched.
- (viii) Prisoners should be searched very thoroughly upon entering and leaving the factory/workshop or other work units.
- (ix) Since constant and thorough supervision and watch over prisoners is required when they are put on some assignment in a factory/workshop or some other place, the warder staff detailed should be constantly on duty with each gang of prisoners detailed for an assignment. Convict officers should never be used for control, supervision and watch in factories/workshops.

- (x) The industrial/workshop blocks should be located sufficiently away from the residential blocks so as there is no possibility of clandestine transfer of tools from the former to the latter. (Para 4.28 )

#### MOVEMENT INSIDE THE PRISON

29. Adequate security precautions are generally not taken for movement of prisoners to various parts within the jail. For this there is often over-dependence on convict officers, who are given independent control over gangs of prisoners. (Para 4.29 )

30. The following security arrangements should be made during movements of prisoners inside jail :

- (i) No prisoner should be allowed to move from his ward/cell to other parts of the prison unescorted by a prison official.
- (ii) Convict officers may assist the jail staff but should never be given independent charge of any prisoner(s).
- (iii) Prisoners in groups in jail should be moved in a single double line formation with the escorting jail official being a little behind the centre of the line to one side.
- (iv) While moving in a line talking or smoking should be prohibited.
- (v) While escorting an individual prisoner, the official should be at an arms' length behind and to one side.

(Para 4.30 )



## HOSPITALS

31. The medical officer mostly unfamiliar with security needs is responsible for order and discipline in prison hospital. There is usually lack of coordination between him and the executive officers of the jail. In smaller jails, including sub-jails, where no hospitals/dispensaries exist, the prisoners are escorted to the government hospital by the warders. No vehicles or police escort are usually available. In the outside hospitals adequate security arrangements are not always possible in existing conditions. (Para 4.31 )

32. The following are our recommendations :

- (i) Doctors and medical staff should work under the administrative control of the jail superintendent who should write their confidential reports.
- (ii) The medical officer and his staff should undergo a short-term orientation course organised by the I.G. Prisons, before or on joining the prison. They should be specially briefed on requirements of safe custody, security and discipline.
- (iii) Prison hospitals should preferably be situated near the main gate of the prison.
- (iv) Wherever possible, a medical officer with a compounder and medicines in a trolley should take rounds of the wards and cells and prescribe medicines for common ailments. Only those needing hospitalisation should normally be sent to the jail hospital.
- (v) A room outside the main gate should be earmarked for consultations with the medical officer by the families of the prison staff and those not on duty.

- (vi) Visiting specialists should be appointed for treatment in jails. Facilities for pathological tests should be provided in all the jail hospitals. Only in exceptional and surgical cases treatment in outside hospitals should be recommended. The jail superintendent may ask for a second medical opinion before sending a prisoner to any outside hospital.
- (vii) Outside hospitals should have separate wards/rooms for prisoners duly fortified from security angle. Generally, doctors should visit the jail patients in their wards. Prisoners lodged in outside hospitals should be under the charge of the jail staff and governed by provisions of jail manuals. In case of dangerous prisoners police help should be taken.
- (viii) All central and district jail hospitals should be provided with an ambulance to be used only for medical purposes.
- (ix) Adequate custodial staff should be deputed in the jail hospital. In the special/maximum security prisons a Deputy Jailor should be in-charge of the custodial staff in the hospital ward.
- (x) The convict officers detailed for duty in the jail hospital should be frequently rotated. Intimacy between convict officers and the prisoners in the hospital needs special watch.
- (xi) Convict officers working as male nurses should never prescribe medication, perform any operation etc.
- (xii) No prisoner or jail official should be permitted to enter the hospital without proper authority.

- (xiii) Medical Officer should ensure an accurate account of all instruments.
- (xiv) Frequent searches should be conducted of all areas in the jail hospitals by special staff.
- (xv) Prisoners in hospitals should not be permitted to loiter or congregate.
- (xvi) Warder staff should undertake detailed checks of all windows, doors and gratings of hospital wards. (Para 4.37 )

#### WOMEN'S WARD

33. Most prisons have a separate ward for women which should be under the charge of women warders. In most jails their strength is inadequate. In some jails there is no regular women warder staff, at all, and they are engaged on daily wages, from outside which is a serious security risk. A regular cadre of women warders should be developed for district/central and exclusive women's prisons with the same pay and allowances as those of male warders. They should also undergo regular training, if necessary, in the institutions meant for women police constables. At least two women warders should be on duty in the women's ward, in each shift. There should, thus, be at least six women warders for each jail with a women's ward. For three women warders there should be one women head warder. In sub-jails where the average population of female inmates does not justify the employment of female staff on permanent basis, such staff may be arranged on daily wage basis, only from a panel of suitable women volunteers after their security vetting and training in prison rules and security precautions, on the pattern of civil defence or home guards. (Para 4.38 )

## JAIL KITCHEN

34. Cooking in jails is done by the prisoners in two shifts. Those selected for it are usually housed in barracks adjoining the kitchen. These duties are strenuous and hard with working conditions in summers being particularly unbearable. Constant vigilance from the security point of view in the kitchen block is necessary. Jail staff tend to excessively rely on cook prisoners, who are often kept on this assignment for long periods. Some of them after gaining confidence of the staff conspire and manage to escape. (Para 4.39 )

35. The following are our recommendations for security in kitchens :-

- (i) Same prisoners should preferably not be on kitchen duty for long.
- (ii) At least two warders should be on duty in the kitchen ward in each shift who should remain alert. Supervisory officials should visit the kitchen frequently.
- (iii) Food should be properly cooked. There should be no shortage of food and each prisoner should get his full share.
- (iv) Knives, tools or other articles capable of use as weapons or for escape should be kept under lock and key. These should be issued for use to convict cooks when under watch by warder staff.
- (v) All prisoners leaving and entering the kitchen should be thoroughly searched.
- (vi) When a group of prisoners is passing the kitchen where knives and other implements are in use its doors should be kept locked.

- (vii) Even in jails which have mainly under-trials some convicts are being kept for maintenance services, including cooking, as undertrials cannot be forced and rarely volunteer to work. Whole time cooks should be engaged for such jails.

(Para 4.40 )

#### ARMED GUARD

36. The position of the armed sentry, outside the main gate, is usually quite vulnerable. Instances of overpowering the sentries and attacks on prisons have occurred. If the guard room is at a distance from the main gate, other guards cannot come for timely aid to the sentry. Most guarding staff is not even trained in firing .410 muskets.

37. The following are our recommendations on armed guards at the jails :

- (i) Strength of the armed guard should be at least two head warders and 6 warders for every 8 hours shift. There should be two armed sentries on duty at a time, with one posted in front of the main gate and the other at a point slightly away from the first sentry, preferably near the building of the guard room (also called quarter guard). The second sentry should provide cover to the sentry on duty at the main gate and will also be responsible for the security of the armoury. Other 6 members of the guard who are not in sentry duty should remain in readiness in the guard room throughout the eight hour shift.
- (ii) The armed sentry on duty near the main gate should instead of standing on the ground have his post either at a watch tower close to the main gate or on the first floor, right above the main gate, from where he can have a good view

of the area in front of the main gate and outside it. If a watch tower is provided near the main gate all the security precautions in regard to it as explained earlier should be observed.

- (iii) The Jail armoury should not be located too far from the main gate. It should be adequately guarded round the clock.
- (iv) Armed guard should comprise of only those men who have had training in handling and firing with fire arms issued to them. In special/maximum security prisons or where very dangerous/maximum security prisoners are lodged, the armed guard should be armed with 7.62 mm SLRs.
- (v) The sentry and the other members of the armed guard should be exclusively for guard duties and should not be required to do miscellaneous duties like opening the gate, conveying messages etc. Separate jail officials should be deputed for such works.

(Para 4.43 )

#### CANTEENS

38. While canteens are desirable, the need for proper checking of items, and control of inmates in the canteen should not be overlooked. Our recommendations are :-

- (i) All district level and bigger jails, should have canteens.
  - (ii) Access to the canteen should be restricted to fixed hours.
  - (iii) All canteen stores should be thoroughly searched.
- Special precautions should be taken in high security prisons.

- (iv) Guards should be located in the canteens during the period these are kept open to keep a watch over the activities of inmates. (Paras 4.44 and 4.45 )

#### COMMUNICATIONS AND TRANSPORT

39. Communications between different sections of the jails and between jails and offices of the District Magistrates, Superintendents of police and local police stations/lines in almost all the States are inadequate and undependable. The communication arrangements between the peripheral towers and central observation towers and different parts of jails are also largely obsolete. Whistles, gong soundings or shouting still constitute the mainstay of the system. These cannot be considered appropriate or adequate.

40. The following are our recommendations :-

- (i) Telephones should be installed in all the prisons.
- (ii) Intercom should be installed in all Special Security, central and district prisons.
- (iii) Walkie-talkie sets should be provided to special security prisons and to prisons where high security prisoners are lodged.
- (iv) Electric alarm system should be installed in all important jails.
- (v) An electronic system for checking patrolling by warders may be introduced in all important prisons on the pattern of Bangalore Central Jail.
- (vi) Proper communication system between the peripheral towers, the central tower and jail office and also with important district offices should be provided. There should be wireless communication link with the police.

- (vii) ~~Prison officers~~ designated as security officers should be provided with telephones at their residences.
- (viii) For coordination and liason with other agencies/officials and to meet emergency situations each Special/Maximum Security Prison and district prison should be provided with a vehicle. (Para 4.47 )

#### VISITS OF OUTSIDE CONSTRUCTION EMPLOYEES

41. Outside workers engaged by the PWD and others for various services in jails, should be searched at the main gate on entry and exit. Their activities inside the jails also be supervised by warders.

Our recommendations are :-

- (i) Thorough searches should be carried out at the main gate on entry and exit of such entrants.
- (ii) A system of identification through badges carrying photographs should be introduced and these identity cards should be displayed by all such contract employees.
- (iii) They should not be allowed freedom for movement inside the jail or access to inmates. Sufficient guards be deployed at the places where they work to prevent any interaction.
- (iv) As far as possible, the same precautions as for construction employees should be followed for all persons who are required to visit the jail for maintenance and repair work. (Para 4.48 )



#### PLACE OF WORSHIP

42. The location of places of worship in the jails should be sufficiently away from the perimeter walls. Visits to such places should be properly regulated under escort and in small batches so that all activities/movements can be closely monitored. (Para 4.49 )

#### EMERGENCIES

43. The Model Prison Manual mentions of various types of emergencies in a prison and measures to deal such situations. We agree with the recommendations therein. For each jail a scheme for dealing with every conceivable type of major emergency should be formulated and periodically rehearsed. An analytical report on each such exercise should be sent to I.G. Prisons. (Para 4.50 )

#### SOME GENERAL MEASURES FOR SECURITY

44. The following are our recommendations in regard to certain points affecting the overall security of the prisons :

- (i) There should be a whole-time security officer for each jail. The security officers should work in 8 hourly shifts.
- (ii) An officer of rank higher than a Head Warder should be present in jail throughout night. In special/maximum security prisons this officer should be atleast of the rank of Deputy Superintendent and in minimum security prisons and sub-jails he should be of the rank of Deputy Jailor.
- (iii) The jail gate is opened frequently during the night for ingress and egress of night shift members of

~~Prison during night~~ should remain there till the time of opening of the jail. They can change their shift after every three hours but they should stay in rest rooms to be provided inside the prisons. In the event of some emergency these personnel would be available quickly for dealing with the situation.

- (iv) All members of the staff of each and every rank working in a prison should be issued photo identity cards and they should display them on the left side of their chests all the time when they are on duty in a prison.
- (v) For each jail a booklet containing various rules, regulations and instructions relating to security and discipline, both of general nature and those which are specific for a jail should be prepared for the guidance of the staff. A copy of this booklet should be provided to each member of the staff when he newly joins the jail.
- (vi) The prison staff should never lull itself into the belief that " it cannot happen here ". There should be never a let-up in vigilance and alertness on the part of any member of the staff.
- (vii) The prison staff should never make the same mistake twice. This can be ensured only by strict compliance of all rules, regulations and orders and strict supervisions.

(Para 4.51 )

V. SOME OTHER MEASURES FOR SECURITY

INTELLIGENCE :

45. Maintenance of good security and discipline in the jails entails advance and reliable information about the mood, temper and feelings of prisoners. (Para 5.1 )

46. The utility and reliability of convict officers in this respect is limited. (Para 5.1 and 5.2 )

47. Intelligence about the prisoners can be best obtained through constant and alert observation by members of the staff particularly those in close proximity of prisoners. It is necessary to observe and note the behaviour and conduct of every prisoner and look for abnormalities in this connection. Short courses on intelligence for the jail officials should be organised. (Para 5.2 )

48. Assistance of state police and state Intelligence Branch may be taken to maintain watch on the activities of prisoners when they go out on parole or furlough and to check the antecedents of the visitors who come to see the prisoners when they go out on parole or furlough and to check the antecedents of the visitors who come to see the prisoners. (Para 5.2 )

CENSORSHIP

49. Censorship of mail of all prisoners, both in-coming and out-going, is necessary. Each and every letter should be examined. The censoring staff should be fully trained in modern techniques of examining letters. Adequate equipment for censoring should be provided. There should be a secure 'mail room ' for censorship. (Para 5.3 )

#### PHOTOGRAPHING AND FINGER PRINTING

50. Every prisoner brought to a special/high security jail, whether undertrial or convict, should be photographed(unless required to undergo formal identification ) and his finger prints recorded on admission. Necessary equipment for this should be available in the jails. If the jail officials are not permitted under the law to take photographs and finger prints of prisoners statutory provisions should be made for this. ( Para 5.4 )

#### COMPUTERISATION

51. Since a large number of records are being maintained in the various prisons, their computerisation would be advisable. A committee should examine the whole system of prison records and suggest changes to bring about uniformity and rationalisation. ( Para 5.5 )

#### PRISON DOGS

52. Dogs have been found useful for perimeter security, patrol work, interception, trails and searches. To begin with, dog sections may be introduced in special security prisons and in such jails where very high security prisoners are lodged. (Para 5.6 )

#### PERIMETER FENCE SYSTEM

53. In Indian conditions it may not be advisable to introduce fence system instead of perimeter walls. In a special security prison fence system may be installed outside the perimeter wall near the periphery of 'out of bounds ' area as a second line of defence. (Para 5.8 )

## CONTROL ROOM

54. A control room should be established near the main gate area in each special/maximum and medium security prison. It should function as the nerve centre for the entire prison. (Para 5.8 )

## DECENTRALISED MANAGEMENT AT PRISON LEVEL :

55. Decentralised management increases contact between the staff and the inmates, fosters better inter-personal relationship and leads to a more knowledgeable decision making as a direct result of staff dealing with a smaller and more permanent group of inmates. In our country, the experiment of decentralised management should be tried in some medium security prisons.

(Para 5.10 )

## ELECTRONIC DEVICES :

56. The following electronic gadgets may be installed for security in our prisons as they are produced indigenously and have been successfully tried :

- i) Close Circuit TV (CCTV)
- ii) Electronic alarms system.
- iii) Walkie-talkie sets.
- iv) Door frame and hand-held metal detectors.
- v) Intercom telecommunication system.
- vi) X-Ray checking equipment.
- vii) Explosive detectors.

(Para 5.16)

57. The following electronic devices which are being used for security and safety in prisons of western countries can also be tried in our country after observing them in actual operational conditions and considering availability of maintenance facilities.

- i) Central automatic control system.
- ii) Paging system.
- iii) Body alarms for staff.

(Para 5.12 )

58. It should be noted that electronic systems can only be aids but can never be substitutes for staff. Electronic systems require regular maintenance and cannot be expected to be always trouble free.

(Paras 5.15 and 5.16 )

## SECURITY OFFICER

59. Since the number of security risk prisoners has been increasing, each jail should have a whole-time security officer. In central/district jail, the security officer should be of the rank of Deputy Superintendent/Jailor and in special security prison he should be of a higher rank. (Paras 5.17 to 5.20 )

## VI PRISON STAFF

60. The calibre, character, personal integrity and the quality of the training of the staff personnel are extremely important in the context of prison security and discipline as well as treatment, reformation and rehabilitation of the inmates.

(Para 6.1 )

61. In most of the jails there is an all-round atmosphere of inefficiency, slackness, disinterest, poor discipline, lack of motivation. There is also acute frustration and demoralisation among the members of the prison staff of all ranks because of poor pay scales, lack of promotional avenues, stagnation, etc.

(Para 6.2 )

62. The duties of the members of the prison service have now acquired a specialised and sensitive complexion and unmistakably the jail department cannot be led or managed by anyone or everyone.

(Paras 6.2, 6.3, 6.4 )

63. A good leadership and development of prison service into a professional career service are essential requirements for achieving a high degree of efficiency. Officers of prison service having wide and varied experience of prison work and requisite calibre should take over as the head of the Jail

Deptt. and designated as IG Prisons. In States where no such officers are yet ready to head the organisation, officers from other services should be appointed only if they are not nearing retirement. The ~~tenure~~ of appointment of such an officer should be 3 years for acquiring adequate knowledge and understanding of prison problems and bringing about significant improvement.

(Para 6.3 )

64. The recommendations of the Mulla Committee in Chapter XXIV of its report regarding manpower planning, policy of recruitment and selection of personnel, development of prison service as career service, adequate promotional avenues, improvement of service conditions and provision of appropriate training facilities should be implemented without any further delay.

(Para 6.5 )

65. The demand of the prison personnel for parity in salaries and allowances with those of police personnel should be accepted. There should be adequate equivalence between ranks of prison service and that of the police.

(Para 6.6 )

66. The standard of discipline among the jail staff and the procedures and powers for disciplinary action and control should be at par with those of police and other para-military forces. No trade unionism should be permitted among the jail staff.

(Para 6.7 )

67. The recommendations of the Mulla Committee for institution of medals for awarding to prison personnel and for other welfare measures for them and their families should be implemented.

(Para 6.8 )

68. The IG Prisons should have powers to sanction financial assistance upto Rs. 5,000 to the prison personnel meeting with serious injuries, accidents, etc., while on duty. In case of death of a prison personnel in lawful discharge of his duties, the lumpsum amount and other relief given to the survivors of his family should be same as in the case of officers of equivalent rank in the police.

(Para 6.8 )

69. The badges of rank and the colour of uniform of the jail personnel should be different from those of the corresponding ranks in the police. The Government of India should appoint a committee to go into this.

(Para 6.9 )

70. The initial and in-service training of the prison personnel should be of a high standard.

(Para 6.9 )

71. It would be desirable to create an All India Prison service.

(Para 6.10 )

72. The Government of India should appoint a committee to examine the question of bringing about uniformity in the nomenclature, staff pattern, uniform, badges of ranks and requirements of educational qualifications and physical standards for the personnel of the prison service in different States, in consultation with the State Governments.

(Para 6.11 )

73. In jails where influential and dangerous prisoners are housed and the members of the prison staff receive threats the latter may be issued revolvers for their safety during their movements outside the prisons provided they are adequately trained in handling the revolvers.

(Para 6.12 )



74. A wholetime law officer should be posted in each central and district jail to attend to matters connected with complaints and writ petitions filed in courts so as to free the senior executive staff of the jails for other work.

(Para 6.13 )

75. Prisons cannot be operated and run as cheaply as before and by making use of large number of convict officers. One of the high priorities for improving the security and safety in the prisons should be to analyse and work out the requirements of additional staff at various levels to replace system of convict officers.

(Para 6.14 )

76. An assessment of the needs of the ministerial staff for various prisons should be done early and necessary staff provided soon to enable the executive hands to attend to their duties connected with safety, security and control.

(Para 6.15 )

77. The State Governments should take stock of the deleterious effect of increasing political interference in various aspects of prison administration and take measures to stop it.

(Para 6.16 )

78. There should be a streamlined system of periodical medical/physical check-up of each member of the prison service so as to ensure that he remains physically fit throughout his service. Statutory rules should be framed for this purpose.

(Para 6.17 )

## VII STAFF DISCIPLINE

79. The most vital factor in the efficient operation of a prison is discipline of staff. In most of the jails, the standard of discipline is poor and slack. The main factors

responsible for this state of affairs are poor training or no training at all, poor supervision, increasing trade unionism, weak and ineffective disciplinary rules, political interference and long postings in the same institution.

(Para 7.2 )

80. Thorough training in a strict and rigorous atmosphere for each and every jail official, especially the new entrants, right in the beginning, should be organised to inculcate self-confidence and discipline among them.

(Para 7.2 )

81. A system of effective supervision and surprise checks and inspections by officers of different levels should be devised for each prison.

(Para 7.3 )

82. Trade union activity and formation of associations among the jail personnel, who constitute a type of security service, should be completely banned. A law should be passed by Parliament on the lines of Police Forces (Restriction of Rights ) Act., 1966.

(Para 7.4 )

83. Genuine problems of jail personnel should be given due attention and there should be a proper forum for purpose of ventilating their grievances. Staff welfare committees with due representation from all sections of the staff of the jail should be formed.

(Para 7.4 )

84. Disciplinary powers and rules as applicable to jail officials should be made more stringent and speedy. Instead of CCA Rules there should be separate enactment like those for the Central Police organisations or the Central Industrial Security Force (CRPF Act or CISF Act) for the jail personnel.

(Para 7.5 )

85. The State Governments should take steps to put a stop

to all political interference and patronage in the jails. At the same time, healthy norms should be evolved for inter-action between the political leadership and the Government and the jail administration for improving the prison system and for educating the people about its problems. (Para 7.6 )

86. Officials of all ranks should be transferred every three years to locations/institutions which are not close to the places from where they are moved. (Para 7.7 )

#### VIII. TRAINING OF STAFF

87. Training of jail staff is of utmost importance to ensure efficiency and creating confidence and self-respect among the staff. In most of the States training has not been given due attention and priority. (Para 8.1, 8.2 )

88. The training of staff should be of two types, viz. initial basic training of newly recruited personnel and subsequent in-service training. (Para 8.4 )

89. No newly recruited jail personnel of any rank should be assigned any job or posted to any prison unless he has undergone the foundation course of basic training. (Para 8.5 )

90. For training, the jail staff should be divided into three categories, viz., guarding staff, middle level officers and higher level executive officers. (Para 8.5 )

91. Each State should have a separate training school for the guarding staff ( i.e. warders and head warders ).

(Para 8.5 )

92. For middle level officers and higher level executive officers there should be regional training institutes at Vellore, Pune, Lucknow, Hazaribagh and Shillong to cater to the training needs of these officers from the States. (Para 8.5 )

93. The syllabus of outdoor training for members of all the three categories referred to above should be almost similar to that for the officers of corresponding ranks in the police. The outdoor training should be highly rigorous and organised under strict and rigid discipline. (Para 8.6 )

94. The syllabus for indoor training programme of the jail personnel should be on the lines as suggested in Appendix I of the Model Prison Manual and in Annexures XXIV-D and XXIV-E of Chapter XXIV of the Mulla Committee and should be periodically revised. It should, in addition, include lectures on control and discipline of inmates; identification of difficult prisoners ; importance of proper inter-action between the staff and the prisoners; correlation between security and discipline on the one side and treatment programmes for reformation and rehabilitation on the other. (Para 8.7 )

95. Till the States are in a position to establish regional and State training institutes and mobilise resources for improving the existing jail training schools, arrangements for training of jail personnel of different ranks should be made in the training institutions meant for the police officials of corresponding ranks. For outdoor training the syllabus for jail personnel and policemen would almost be the same. For indoor classes for jail personnel a few officers of jail department, who are efficient and have a flair for imparting training, should be posted in the concerned police training institute. (Para 8.8 )

96. The trainers in training institutions should be given adequate incentives and free living accommodation in the campus of the training institutions.

(Para 8.9 )

97. Besides the basic training course there should be refresher training after 5 years of service; pre-promotion training for promotion to higher ranks; orientation and security training of those who do not belong to prison service but are assigned duties and responsibilities in prisons, like the doctors, psychiatrists, probation officers, welfare officers etc; training of trainers in the regional training institutes or in the national training institute, if established, and special courses on security and discipline.

(Para 8.10 )

98. For newly posted officials briefing courses should be organised in each prison periodically. Discussion sessions should also be held.

(Para 8.11 )

99. The personnel nominated for training courses should be sent for them without fail unless there are very strong reasons for not doing so. Strict disciplinary action should be taken against those members of the staff who avoid attending the training courses. Adequate training reserve should be provided for each jail and other prison institution.

(Para 8.12 )

100. Participation in training should be linked with service benefits as grants of increments, promotions, crossing of efficiency bar, etc.

(Para 8.12 )

101. There should be a highly disciplined atmosphere in the training institute and close inter-action between the staff

and the trainees.

(Para 8.13 )

#### IX CORRUPTION AND MAL-PRACTICES

102. Indian jails have earned the notoriety of being centres of corruption and mal-practices. A corrupt jail official is likely to be slack and negligent in his duties and enforcement of prison rules and regulations which are so vital for security and discipline.

(Paras 9.1 & 9.2 )

103. The basic responsibility for checking corruption and undesirable practices is of the supervisory levels in the service. A system of surprise checks and inspections and effective supervision by honest and well motivated officers at different levels is essential.

(Para 9.3 )

104. To check the prevailing corruption and mal-practices an effective punishment mechanism through disciplinary action in the prison service should be evolved. Disciplinary rules different from those applicable to other civil services, but akin to those of police or para military forces, should be prescribed.

(Para 9.4 )

105. Adequate system of rewards and recognition for those who display high standard of integrity and performance should be introduced.

(Para 9.4 )

106. Trade Union activity in the prison service, whose duties are of highly sensitive nature, should be statutorily banned.

(Para 9.5 )

107. The entire prison system should be completely insulated from political interference.

(Para 9.6 )

108. In case of officials who acquire reputation of corruption by their continued dishonest practices over a long time, but escape punishment for want of satisfactory evidence, provisions for compulsory retirement after completion of 20 years of service should be resorted to without hesitation.

(Para 9.7 )

109. In extreme cases of officers with corrupt reputation, where the stipulated minimum number of years of service has not been crossed, action for weeding out such officers should be taken under Article 311 (2) (c) of the Constitution.

(Para 9.8 )

110. There should be constant liaison, interaction and exchange of information between IG Prisons and head of the state anti-corruption bureau to identify jail officers of doubtful integrity, to plan joint action and to collect intelligence about their corrupt activities.

( Para 9.9 )

111. Highest standards of integrity and straight forward dealings should be followed at the time of recruitment and training of jail personnel for which adequate procedures should be evolved by IG Prisons in consultation with State Governments and they should be strictly followed.

(Para 9.10 )

112. The other steps to control corruption and mal-practices in the prisons should include :-

- (i) proper training and motivation of prison staff ;
- (ii) improving the service conditions of the jail staff including the pay scales and promotion prospects ;

- (iii) provision of staff quarters in the jail campus for the entire custodial staff to eliminate contact with the public or criminals outside prison ;
- (iv) an effective system for hearing and expeditious disposal of complaints of the prisoners; complaint boxes should be installed at prominent places inside and outside the prison ;
- (v) posting of welfare officers in the prisons to look after welfare of the prisoners ;
- (vi) recording reasons for disallowing interviews;
- (vii) transfer of staff members from one jail to another after every 3 years; removal of custodial and security staff from a duty point to another after every 2 months;
- (viii) posting of a whole-time security officer of the rank of a Jailor or Dy. Jailor, assisted by assistant security officers at the jail gate, round the clock, to maintain vigilance and conduct thorough searches of guarding staff and the prisoners going out or entering the jail;
- (ix) a well equipped jail hospital and visits by the chief medical officer of the district to every jail hospital at least once a month to see for himself the adequacy or otherwise of medical attention to prisoners ;
- (x) centralisation of purchase from public undertakings;
- (xi) a uniform policy and clear-cut instructions about the use of fetters;
- (xii) allotment of work and barracks by a senior officer of the rank of at least a jailor ;
- (xiii) evolving of a streamlined and fair procedure regarding award of punishments to the prisoners and maintenance of proper and complete records about punishments awarded and good work done by the prisoners which would be the basis for awarding remissions or pre-mature releases ;



- (xiv) community participation of prisoners in some aspects of prison management such as hygiene, sanitation, food preparation and distribution;
- (xv) informing the prisoner about the reasons for non-release when the release is due and also displaying the same on the notice board outside the jail for the information of his relations or friends who may come to receive him;
- (xvi) stopping the practice of appointing convict officers in due course;
- (xvii) shifting of moneyed or influential prisoners having local links to other jails or jails of other States, if necessary.

(Para 9.11 )

#### X. CONVICT OFFICERS

113. The system of convict officers was, perhaps, started as a measure of economy, as an incentive to encourage exemplary conduct among prisoners. It envisages compensation and status within the hierarchy of prisoners based on demonstrably good conduct and other conditions. The convict officers are now even doing work not originally intended for them, e.g. administrative, supervisory and disciplinary responsibilities, vis-a-vis other inmates. Their position, thus, assumes authority which is often misused and also encourages several mal-practices.

(Paras 10.1, 10.3 )

114. The reasons advanced in favour of the system of convict officers are that they provide additional manpower in the present situation of acute shortage of staff, in times of crisis like riots they are more dependable even than the regular staff and they act as useful informers. The system also encourages and acts as an incentive for exemplary conduct. On the whole, the system has more disadvantages and undesirable features.

(Paras 10.4, 10.6 )

115. It is recommended that :-

- (i) The system of convict officers should be abolished with immediate effect in special security prisons and in jails in major metropolitan cities where influential/COFEPOSA detainees are lodged. Additional staff should be provided in place of convict officers.
- (ii) In other prisons, the system of convict officers should be abolished in a phased manner in the next 5 years and corresponding increase in the staff should be made ;
- (iii) Pending abolition of this system, no independent administrative, supervisory or disciplinary function should be entrusted to the convict officers except to assist the regular staff as auxiliaries and also certain duties of non-supervisory and non-administrative nature including keeping watch over other inmates in barracks/dormitories after lock-up.
- (iv) Incentive for exemplary conduct to the prisoners may be continued to be given in other forms like better diet, more freedom and pecuniary benefits but not in the form of sharing administrative authority. (Para 10.7 )

#### XI. RECEPTION AND CLASSIFICATION OF PRISONERS

116. The officers working in the prisons are generally vague in their minds about the term 'Classification' of prisoners. They are also confused as to how classification is to be brought about in view of lack of resources, staff and accommodation in their institutions. (Para 11.1 )
117. Classification is a process of placing things into groups or classes according to some idea or plan. Classification of prisoners divides them into specific classes to facilitate

\* \* \* \*

their safe custody and treatment with a view to their ultimate social rehabilitation.

(Para 11.2 )

118. The prisoners in our jails are being broadly classified, at present, on the basis of sex, age, the law under which confined, stage of investigation/trial, nature of sentence, criminal antecedents, disease or infirmity. Segregation on the basis of such classification in our jails is far from complete.

(Paras 11.3, & 11.4 )

119. Classification should not be confined only to the convicts but to all inmates, whether undertrials or convicts or detainees, should be covered.

(Para 11.4 )

120. Each special security, central or district prison should have a reception ward with separate barracks for undertrials and convicts where every new prisoner should be kept for examination by the Classification Committee.

(Para 11.6 )

121. An in-depth study of the total personality of the Prisoners, his economic and social background, the nature of his problems, etc. should be conducted, on the basis of all the documents received from the police and the courts and the information obtained during the course of his interview.

(Paras 11.5, 11.6 )

122. The Classification Committee should consist of experienced jail officials and experts like psychiatrists and psychologists, trained social workers, medical officers, and the officers in-charge of industry, education and vocational training in the jail. In sub-jail, where specialists would not be available, the Classification Committee should consist of the jail superintendent and the local medical officer

(Paras 11.5 & 11.6 )

123. The recommendations of the Classification Committee should fall under two heads (i) security and control, and (ii) correction,

reformation and rehabilitation, and should specifically deal with matters such as :-

- (a) placement of the prisoner in the cell or ward, work aptitude and assignment, health requirements, individual problems, associate inmates, nature of supervision/guidance, drug addiction types of counselling, date of re-classification etc.
- (b) whether a prisoner is a high security or escape risk, habitual offender, first offender, hardened and dangerous prisoner, difficult and incorrigible type, aggressive or bully type, intriguer etc.

(Paras 11.7 & 11.8 )

124. The initial assessment by the Classification Committee should be followed up by constant watch and observation by the prison staff in the light of several features which may come to light later.

(Paras 11.8 & 11.11 )

125. After the Classification Committee has given its recommendations about each prisoner action should be taken to do proper segregation.

(Paras 11.9 & 11.11 )

126. As recommended by the Mulla Committee in Chapter IX of its report 'social conditioned' and 'individualised' criminals should be identified and segregated in the jails.

(Para 11.12 )

127. From the long range point of view diversification of institutions as recommended by the Mulla Committee in Chapter IX of its report should be done.

128. Adequate resources and facilities for organising individualised treatment programmes for each prisoner should be provided to the various institutions.

(Para 11.11 )

129. Specific forms for the history sheet, initial classification sheet and progress report of a prisoner, as recommended in Annexures 'D', 'E' and 'F' to Chapter IX of the report of the Mulla Committee should be adopted.

## XII. DISCIPLINE OF INMATES

130. Discipline is essential for the desired safety and security of the prisoners and for the smooth and efficient operation of the institution. Discipline in itself is an element of reform.

(Para 12.1)

131. The number of inmates who are difficult or violent or have potential of creating disruptive influence is usually small.

(Para 12.2.)

132. For proper control and discipline among the prisoners the prison officials should continuously endeavour-

- (i) to know the mood, temper and the feelings of the inmates, to know the degree of tension and alienation;
- (ii) to locate the causes which create serious dissatisfaction and alienation among the inmates and take quick action to remove genuine grievances of prisoners and to give suitable opportunity to them to explain their cases in regard to allegations made against jail personnel ;
- (iii) to avoid revengeful attitude, retributive action and brutality;
- (iv) to be humane, sympathetic, fair but firm in dealing with indiscipline, disorder and misconduct ;
- (v) to avoid favouritism and appeasement of inmates;
- (vi) to identify and segregate inmates who are potentially subversive, violent, aggressive or bully type ;
- (vii) to offer a range of constructive activities for keeping the inmates busy according to individual needs and abilities ;

(viii) to encourage prison discipline through rewards and positive incentives in a fair manner; develop a progressive 'Stage System' as recommended by the Mulla Committee vide para 8.23 of Chapter VIII of its report.  
(Para 12.3 )

133. The classification committee should also assess each inmate from the point of view of control and discipline.  
(Para 12.5 )

134. Too much dependence on convict officers is not desirable to monitor the mood and temper of inmates. This should be the responsibility of the prison staff.  
(Para 12.5 )

135. The prison administration should try to impose discipline, among inmates through humane, decent and fair treatment and by attending to their genuine grievances as promptly as possible. The prisoners should be ensured of the rights and privileges admissible to them under the law and the jail manuals. There should be constant endeavour to secure their cooperation.

सत्यमेव जयते

(Para 12.7 )

136. The Superintendent of jails should have full and unhindered authority and powers to award punishments to the prisoners in accordance with the law and the provisions of jail manuals in all cases of prison offences and indiscipline.

(Para 12.7 )

137. It is being felt in some states that the Supreme Court directives in the case of Sunil Batra-II versus Delhi Administration, vide writ petition No. 1009 of 1979, have, diluted the effectiveness of the jail superintendent in maintaining discipline and control which are most vital for any prison. Each prison has some difficult, incorrigible,

mischievous and troublesome prisoners and all acts of indiscipline and violation of prison rules by them should be dealt with firmly and expeditiously.

(Para 12.9 )

138. The number of false complaints against the prison officials is also increasing. The original authority of the officers of the jail department to award punishments to the inmates who violate the prison discipline or indulge in offences under the Indian Prisons Act should be restored.

(Para 12.9 )

139. Those jail officials who indulge in corrupt and undesirable practices or assault or torture of inmates, should be identified and given stringent punishment.

(Para 12.9 )

140. The recommendations made by Mulla Committee in paras 8.26 and 8.27 of Chapter VIII of its report to abolish certain types of punishments prescribed under the Prisons Act, 1894 and to introduce some forms of 'minor' and 'major' punishments should be implemented.

(Para 12.10 )

141. While the requirement of judicial appraisal by the sessions judges of the punishment awarded by the Jail Superintendent to an inmate should be removed, a streamlined and mandatory procedure for giving full opportunity to the inmate to explain his case before he is awarded the punishment and for appeals to the senior officers of the prisons department against major punishments awarded by the jail superintendent should be prescribed. A time bound programme for disposal of appeals by appellate authorities should be made mandatory.

(Para 12.11 )

142. Monthly visits to the jails by senior officers of the districts, including district magistrates and sessions judges

or on their behalf by additional district magistrates or additional sessions judges should be made mandatory. These visits should be in addition to the visits by the committee of official visitors appointed by the State Government.

(Para 12.12 )

143. The non- official visitors should be appointed on the basis of merit and suitability and, as far as possible, from amongst dedicated social workers.

(Para 12.13 )

144. While the members of the legal aid societies should be provided all facilities to meet the prisoners and to advise and help them in regard to their legal problems, they should not be allowed to visit the various parts inside the jails.

(Para 12.14 )

145. Each prisoner should be provided with a booklet in the local/regional language or in english explaining the disciplinary requirements, his rights, obligation, privileges and regulations governing his treatment. In case of an illiterate prisoner, the contents of the booklet should be explained to him orally.

(Para 12.15)

146. The task of direct handling of the prisoners and of contact and inter-action with them should not be left entirely to the level of warder and head warders and middle level officers should also be assigned this duty.

(Para 12.16 )

147. Correctional-cum-orientation courses in technique of handling prisoners should be organised for the benefit of all sections of the staff. The strength of the warder staff and the supervisory officials in the jails should be increased. Surprise inspections at odd hours by middle level and



supervisory officials are essential.

(Para 12.16 )

148. Separate camp jails should be established for political prisoners and agitationists.

(Para 12.17 )

149. Each special security and maximum security prison should have an emergency squad and reserve force. The members of the emergency squad should be trained, inter-alia, in the use of firearms, tear gas equipment, fire-fighting etc.

(Para 12.18 )

150. The State Government should take stock of the increasing political interference in the jail administration and grant of special privileges or concessions to the law breakers lodged in the prisons which create serious problems of discipline and cause considerable demoralisation among the staff, and take corrective measures.

(Para 12.19 )

151. As recommended by the Mulla Committee in para 8.34.13 of Chapter VIII of its report the superintendent of jail should have the power to take some preventive measures to ensure security and control and these should not be considered as punishments.

(Para 12.20 )

152. Action should be taken to implement other recommendations made by the Mulla Committee in Chapter VIII of its report. Steps should be taken to adopt the provisions of Chapter XXXI on discipline in Model Prison Manual, especially those which deal with preventive measures, rules regarding inquiry into cases of violation of prison discipline, orderly room procedures etc.

(Para 12.20 )

153. Section 302 IPC should be amended on the lines proposed in the Indian Penal Code (Amendment) Bill, 1978 to divide the offence of murder in two categories so that the effect of Section 433-A Cr. P.C. is confined only to such category of murders where death would be one of the punishments.

(Para 12.22)

154. One of the causes of indiscipline among prisoners is rampant idleness among them. Measures should be taken to keep the prisoners engaged in purposeful activity viz. education, industrial work and vocational training to remove idleness.

(Para 12.23)

155. A review of the existing jail industries most of which were established in pre-partition period should be done to ensure establishment of such industries for whose products there is market available and also to train a larger number of prisoners.

(Para 12.24)

156. Prisoners who are engaged in maintenance services i.e. cooks, water carriers, sweepers etc. should be rotated.

(Para 12.24)

157. All prisoners whether working in industries or maintenance services should be paid such wages as to provide good incentives to them. The rates of wages should be revised after every three years.

(Para 12.26)

158. Undertrials should be persuaded to work and those who volunteer should be paid wages.

(Para 12.27)

159. Facilities for recreational and physical activities like games, P.T. exercises and yoga etc., should be provided in the jails to keep the prisoners engaged and reducing the chances of indiscipline and disorder. Libraries should be established.

(Para 12.28)

160. Welfare officers should be appointed in all closed prisons for acting as links between prisoners and their families and for organising welfare activities for prisoners in the jails.

(Para 12.30)

161. A detailed record of each and every prisoner regarding his general conduct and behaviour, including acts of indiscipline or good conduct, should be maintained. Instances of attempted incitement of other prisoners, aggressiveness etc. even though detected and controlled in time, should be recorded.

(Para 12.31)

### XIII. INTERVIEWS

162. Interviews in jails are very important from the point of view of the morale of the prisoners and when permitted under congenial and relaxed conditions help in maintaining prison discipline. In most of the States the arrangements for interview are very unsatisfactory and the jail administration has taken no interest in improving them. It does not seem to have appreciation of the importance of interviews and these are treated by the prison officers as acts of extreme obligation and concession to the inmates as well as to the persons who come to meet them. Interviews are a common source of making money by the jail officials.

(Para 13.1 )

163. Following are our recommendations for improving arrangements for interviews in jails:

- (i) There should be a waiting room for the visitors near but not too close to the main gate with sign board in the local language displaying rules and regulations governing the interviews and an adjoining room for searching the visitors before being taken to the interview room. Women visitors should be searched only by women staff.
- (ii) Each jail should have a proper interview room having a secure barrier with trellis, bars and wire mesh and divided into cubicles so as to permit privacy during interview.
- (iii) The staff detailed for supervising the interviews should be frequently changed. It should be courteous but watchful. It should ensure that all rules/regulations/instructions governing interviews are strictly followed both by the visitors and the inmates and no violation takes place. Visitors under the influence of liquor or those refusing to be searched, should not be permitted to interview the inmates. Loitering in interview room and shouting should not be allowed.
- (iv) Interviews should be permitted only with the persons named in the list submitted by the prisoners at the time of their admissions and with others after obtaining prior consent of the prisoners.
- (v) Duration of interview and the number of visitors should be exceeded only with the permission of the Jail Superintendent who will record reasons for doing so in a register.
- (vi) All the visitors and inmates should be thoroughly searched before and after the interview. The interview room

and the waiting room should also be inspected to see if no contraband has been left behind by any of the visitors

(vii) Interview by ex-convicts should be closely monitored.

(viii) An officer of the rank of at least jailor should be in-charge of the interviews in a jail and an Assistant Jailor or Deputy Jailor should be present in the interview room at the time of interviews.

(ix) Visitors should not be taken inside the jails for interviews unless there are some special circumstances.

(x) Articles brought by the visitors for the inmates and permitted under the rules should be deposited with the jail staff. These should be handed over to the inmates after thorough search and check.

(xi) Not more than three adult visitors should be permitted to be present at the interview.

(xii) A complaint book with serially numbered pages and with prison seal on each page should be kept in the waiting room and available to the visitors on demand. The book should be placed before the superintendent of jail, every day, after the interview hours.

(xiii) In prisons earmarked for long term convicts, a separate and small interview room without any barriers (to be called interview room B) should be provided for such convicts as have constantly shown good conduct for at least five years of their sentence. The prisoner and the visitors should sit on the sides of a table in this room. The prisoner may be allowed to touch the hands of his close relations if he so desires. This interview room may also be used

for meeting between all categories of prisoners with their legal advisors. The entire interview should be closely supervised. An interview of a prisoner with his legal adviser should take place within the sight but out of hearing of a prison official.

(xiv) Use of convict officers for supervising the interviews should be stopped. Adequate warder staff with supervisory officers should be provided for this duty.

(xv) Cooked food and clothing if permitted should be thoroughly checked before they are handed over to the inmates.

(xvi) The visitors should not be made to wait too long for the interviews. Delay in arranging interviews increases chances of malpractices on the part of jail staff.

(xvii) There should be some communication system, like the intercom, between the main gate and the various wards, including the workshop ward, for alerting the supervisory staff posted there to keep ready the inmates who would be required for interviews.

(Para 13.5)

#### XIV. CLASSIFICATION OF PRISONS ON THE BASIS OF SECURITY

164. On considerations of security and discipline, prisons should be classified on the lines recommended by the Mulla Committee viz. Special security prisons, Maximum security prisons, Medium security prisons and Minimum security prisons for various categories of prisoners.

(Para 14.1)

165. At present, special security prisons should be created in states like Punjab, Manipur and Tripura which have a considerable number of prisoners who are high security risks violent or dangerous to the public or police or to the security of the States. The other States need not have exclusive

special security prisons but they may convert some portions of a few selected prisons into special security wings.

(Para 14.2)

166. The security categorisation of prisoners as recommended by Lord Mountbatten and prevalent in the U.K. should be adopted in our country after combining it with that suggested by the Mulla Committee for special security prisons, maximum security prisons, medium security prisons and minimum security prisons.

(Para 14.3)

167. The existing closed prisons in the States which fall in the category of central jails, district jails and sub-jails should be developed into maximum security prisons and medium security prisons.

(Para 14.7)

168. Special equipment should be provided to a special security prison for its communication system, fire fighting arrangements, lighting system, alarms and control system, searches, transport, etc.

(Para. 14.8)

169. Apart from the rules and regulation and arrangements for security, custody and other aspects of jail administration, as prescribed in the jail manuals, additional security measures listed in sub-para (i) to (iii) of para 14.9 of this report should also be taken in special security prisons. The same arrangements with necessary modifications should also be made in prisons in which special security wings have been created.

(Para 14.9, 14.11)

170. Besides taking measures for tightening of physical security efforts should be made to identify

and segregate determined or likely escapees and those prisoners who are troublesome and indisciplined. Efforts should also be made to remove the conditions which may impel some of the prisoners to escape.

(Para 14.10)

XV. UNDERTRIALS, POLITICAL AGITATORS & OTHER UNCONVICTED PRISONERS.

172. Our prison system has been evolved mainly from the point of view of custody, management, treatment, etc. of the convicts. The undertrials who were considered as temporary and transient inmates found limited emphasis in the overall prison scheme. The prison administration should now pay greater attention to the management and control of undertrials.

(Para 15.1)

173. The problems of security, discipline and control among the undertrials arise because of excessive over-crowding, lack of basic facilities, non-production in courts, non-availability of copies of documents from courts, denial of/or poor facilities for interviews, idleness, lack of knowledge about prison rules and regulations, incapability to engage counsels or secure bails.

(Para 15.4)

174. The following are our recommendations:-

- (i) Undertrial prisoners should be given a booklet in the local language, explaining the rules and regulations of the prisons, the daily programme which they are to follow and their obligations and privileges. Briefing sessions for those who are illiterates should also be held.
- (ii) Separate jails should be established for undertrials near the courts. Till this is done, extra barracks/dormitories should be built in the existing prisons to reduce over-crowding in the accommodation earmarked for undertrials.



(iii) The police should attach a note with the remand warrant giving a brief history, background of the prisoner and also other particulars such as whether he is an ex-convict, escaper risk, habitual offender or a dangerous convict. Similar information should be supplied by the prison authorities to the escort party taking the prisoner out of jail.

(iv) Classification and segregation of undertrials is as important as that of convicts.

(v) The prison staff should treat the undertrials (even those involved in serious crimes) humanely, politely, decently, sympathetically but firmly.

(vi) All privileges and facilities in regard to interviews, correspondence, meetings with lawyers, etc., as are permitted under the rules, should be extended to undertrials but without showing favouritism to anyone.

(vii) As the wards accommodating the undertrials are usually overcrowded and the prisoners are inclined to be more rowdy and indisciplined the warder staff detailed for duty in each such ward should be in adequate strength and strict supervision should be exercised over it.

(viii) All efforts should be made to reduce idleness among the undertrials. Reasonable wages and constructive vocational training for even short periods, which may be useful to an undertrial prisoner after his release, may be good incentives to make him volunteer to work.

(ix) Adequate recreational facilities, including those for some indoor and outdoor games, should be provided but participation in these by the prisoners should be adequately supervised.

(x) The prison authorities should liaise with the free legal aid societies to arrange for legal aid for poor and indigent, old and infirm undertrials.

(xi) Undertrials should be provided food from the jail kitchen and not allowed to get cooked food from outside or to cook their own food in the jail.

(xii) The working Group on Prisons(1972-73) had recommended that a one-time review of the cases of undertrial prisoners should be done throughout the country simultaneously.

This review was to be aimed at releasing straightway or on bail, with or without sureties, those prisoners(i) who had committed offences only of a minor nature; or (ii) who were not habituals; or (iii) who had already undergone undertrial detention for periods longer than what they might be sentenced to; or (iv) whose cases had been pending for investigation with the police without filling the chargesheets for more than six months; or (v) investigation/trials of whose cases were held up because of one or more insoluble problems like difficulty in the conduct of identification proceedings of persons or property, non-availability of witnesses, etc. As the number of undertrials in the jails has been increasing constantly such exercise should be done in the month of January every year.

(xiii) A review committee consisting of District Magistrate, District Judge, Superintendent of Police, Superintendent of Prisons and Senior Prosecuting Officer should meet every month to discuss the cases of undertrials to ensure their expeditious disposal or possible release on bail.

(xiv) Section 428 of the Cr. P.C. should be suitably amended so that the benefit under it is given only to those undertrials whose conduct has been found to be thoroughly satisfactory during

their confinement as undertrials in the jail. The State Government should lay down rules and prescribe a proforma for maintenance by the jail superintendent of the record of the conduct, disciplinary behaviour and punishments for each undertrial prisoner for the scrutiny by the court, if necessary.

(Para 15.5)

175. Separate camps or additional temporary structures including tents should be established to accommodate large and sudden influx of prisoners arrested in connection with political agitations, large scale strikes, major law and order situations etc. The police and the intelligence agencies should pass on information regarding such large admissions to the prison authorities well in advance. Authorities of every prison should prepare a contingency plan to meet such emergent situations. The Inspector General of Prisons should be delegated powers to sanction additional staff.

(Para 15.6)

176. The following measures are recommended for keeping the prisoners detained under COFEPOSA, NSA and several other statutes which provide for detention of persons:-

- (i) Detenus should be kept separate from other inmates and extremists and violent detenus should be segregated from other detenus and lodged in special security prison or in completely segregated high security zones in prisons.
- (ii) Convict officers should never be posted on duty with detenus. Specially selected staff should be put on duty.
- (iii) The facilities regarding diet, medical treatment, interviews and communications in respect of detenus should be the same as those for undertrials. The provisions of separate diet for them should be abolished and their food cooked in the

main kitchen only.

(iv) Senior officers should themselves search the accommodation where the detenus are housed to ensure that no unauthorised articles are kept there.

(v) Lapses in regard to the security of detenus should be viewed very seriously. (Para 15.7)

#### XVI. PRISON PANCHAYATS.

177. The prison panchayats are meant to inculcate a sense of responsibility and self-reliance, and foster cooperation and discipline among the inmates. The system has now, however, been much of a success and the panchayats have generally become a source of nuisance and indiscipline and try to ventilate grievances of prisoners on trade union lines.

(Paras 16.1 - 16.3)

178. For ensuring functioning of the prison panchayats in a disciplined manner the prison administration should take the following action:-

(i) There should be no election for a prison panchayat. Its members should be nominated by the jail superintendent.

(ii) Undertrials as well as convicts should be represented on the prison panchayat.

(iii) A member of the panchayat who is awarded punishment (other than warning) for any jail offence, should be immediately removed from it by the jail superintendent.

(iv) A prison panchayat creating discipline or security problems should be dissolved under the orders of the DIG/IG prisons.

(v) The panchayat members who do good work and help in inculcating healthy traditions in the prison should be rewarded as per jail rules. FG

(vi) The working of the panchayats should be limited to matters of self-improvement and purposeful community living and they should not be allowed to infringe upon enforcement of prison rules and regulations. ( Para 16.4)

#### XVII. CELLULAR ACCOMMODATION IN INDIAN PRISONS

179. Single cells/rooms with attached toilet facilities and equipped with some basic needs for prisoner's conveniences offer privacy and dignity and contribute more to normal residential character and reduce management and security problems. In the western countries, accommodation for the inmates in the prisons has been mostly in the form of single cells.

(Para 17.1)

180. The following are our recommendations:-

(i) The living accommodation for the prisoners should be given a humane and normal residential character without sacrificing the requirements of security. The practice of making dormitories/barracks and cells in the form of cage like structures should be stopped. More sophisticated methods for making these buildings safe and secure should be devised.

(ii) Basic minimum conveniences in the form of attached flush toilets and furniture should be provided in these barracks and cells. For the accommodation meant for keeping an individual prisoner the nomenclature of 'Cell' should be given up and it may be called a room. The requirement of secure confinement can be devised in the living quarters of the prisoners without too much over display of steel.

(iii) Persons living in the rooms should be provided as much opportunity as possible during fixed hours and in accordance with the prison routine and rules of discipline for association with other inmates to participate in work programmes

and recreation and cultural activities.

(iv) When all 'single cells' have been converted into 'single rooms' by removing their visible formidable looks and providing in them minimum basic facilities for the prisoners then the punishment of 'cellular confinement' should be deleted from the Prisons Act, 1894.

(v) For disciplinary, preventive or security reasons it may be necessary to separate some prisoners from the main prison population for short periods. Some prisoners may also have to be kept separated from others under court orders such as those awarded punishment of solitary confinement. Segregation accommodation should be provided for this purpose.

(Para 17.8)

#### XVIII. ESCORT OF PRISONERS OUTSIDE JAILS

180. Escorting prisoners outside jails is a police function. Though vital in the overall security system, it is accorded low priority and inadequate attention. Escapes in transit, even of high security prisoners, are being frequently reported.

(Para 18.1)

181. The following are our recommendations:-

(i) The yardstick for the strength of the escort parties by various modes of transport should be revised. The Central Government may appoint a committee to examine this and make recommendations, pending which an ad hoc increase in strength of the police force may be sanctioned.

(ii) High risk-escape prone prisoners with such antecedents and those dangerous for society or for State security should be handcuffed in transit. Where prior permission of courts cannot be obtained it may be done ex-post-facto. Some apparently well behaved prisoners by their external actions

conceal their designs. These also require vigil.

(iii) The escort personnel should be imparted specialised training.

(iv) Strength of escort should be adequate for long journeys to enable rest by rotation. For dangerous prisoners it should be augmented with a supervisory officer not below the rank of an Inspector.

(v) Handcuffs, chains etc. should be checked. For long journeys torches and very light pistols should be provided.

(vi) Invariably prison vans should be used for escorts. Their number should be increased. For dangerous criminals, two vehicles, one with wireless set, should be provided for long journeys and another additional vehicle for armed guard should be given. Long journeys should invariably be completed before dusk and in good visibility conditions.

(vii) On admission into jail, the police should intimate the jail authorities full antecedents of the prisoner especially terrorist/extremist types. Prison staff should inform the police regarding back-ground details of prisoners to be escorted including-

- (a) previous escapes and past attempts;
- (b) undesirable or dangerous conduct in jail;
- (c) members of gang;
- (d) aggressive and indisciplined prisoners; and,
- (e) those with suicidal tendencies.

Above information can be furnished only if the activities of all prisoners are monitored and record is kept thereof.

(ix) Information regarding the number and type of prisoners is essential to determine the strength, composition etc. of escort party.

- (x) Colour coding, i.e. forms of different colours, should be used for high security and escape risk prisoners by police and jail authorities.
- (xi) While escort party for high security risk prisoners be armed with automatic weapons, the guard in immediate proximity of the prisoner should preferably be unarmed to avoid snatching of his weapon.
- (xii) Before departure and on return to prison thorough search of prisoners for unauthorised articles, including offensive/escape risk articles, should be done by adequately trained staff.
- (xiii) Train travel should preferably be only in separate/ reserved compartments.
- (xiv) For long journeys escort personnel should be provided with suitable advance for diet/contingencies to obviate their seeking hospitality of others.
- (xv) Preferably space in courts should be earmarked for escorts to exercise vigil over prisoners.
- (xvi) Escorts should be cautioned against permitting unauthorised contact or acceptance of articles including food, drink or any other form of hospitality.
- (xvii) Persons permitted by courts to meet prisoners should also be thoroughly searched. Hand-held metal detectors should be provided.
- (xviii) Trials of dangerous criminals should be expeditious and with minimum possible adjournments. Courts should be requested to grant minimum interviews and no preferential treatment.
- (xix) For exceptionally high risk prisoners, trial in



prison itself may be considered.

(xx) Jail hospitals should be equipped for most ailments.

Wherever possible specialists should visit as required.

Outside treatment should be permitted in very exceptional cases. In general hospitals separate accommodation be earmarked as prison ward.

(xxi) Escorts should be advised to avoid halts in congested areas.

(xxii) During long journeys, halts enroute should preferably be at police lock-ups or prisons. If inevitable at other places prisoners should always be in close proximity and under direct vision at all times including while on calls of nature. Securing to long chain be done if necessary.

(xxiii) Meals should be completed before journeys. Halts en-route should not be in congested areas. Outside food before serving be tested.

(xxiv) As courts and hospitals are soft areas from security point of view additional armed force should be detailed during trials of high risk prisoners.

(Para 18.6)

182. Exclusively separate wing for escort should be formed in State police force, duly equipped with vehicles etc. and its units posted in various districts. District police officials should be debarred from using it for any other purpose.

(Para 18.10)

183. In the long run, after the prison staff is augmented and properly trained, a separate force for escort with necessary equipment and resources should be created under the prison department. If necessary, it may be delegated the requisite police powers.

(Para 18.11.)

184. Periodic coordination meetings of police and jail officials should be held at district level and at locations of sub-jails to resolve all issues connected with escort, including their adequate and timely deployment. IGs/DIGs Police officials should bestow greater attention on increasing problems in escort duties. District police officials should accord it high priority and issue detailed instructions on prior survey of routes, special problems of areas etc. and periodically review these arrangements.

(Para 18.12)

185. Escort of prisoners should be included as an agenda item in the DGs/IGs Police Conference. National level discussions and pooling of experience of various States would throw up constructive suggestions for improving the system.

(Para 18.14)

#### XIX. COURT DIRECTIVES AND RULINGS

186. In recent years the Supreme Court has given a number of rulings and directives meant to improve the treatment of prisoners by the prison officials and ensuring that the prisoners are not denied the rights and privileges to which they are entitled. Some of the rulings/directives have, however, resulted in diluting the powers of prison officials to impose punishments and restrictions on the prisoners delegated under the Prisons Act and the prison regulations, thereby creating problems of security and discipline in the prisons. The increasing number of writ petitions and other complaints filed in courts by the prisoners against the jail administration on false grounds has resulted in considerable demoralisation among the staff.

(Paras 19.1 to 19.6)

187. The Supreme Court directive in Sunil Batra case II (WP 1009 of 79) about judicial appraisal of punishments awarded by the prison authorities is being interpreted differently by the States. Judicial review does not imply judicial takeover of the executive function of imposing departmental punishment. The requirement of the Supreme Court directive would be met if the jail superintendent informs the sessions judge within two days of awarding punishment to a prisoner. At the same time, to ensure fair and just treatment to the prisoner, a streamlined, statutory and time-bound procedure for appeal to senior officials of the prison department against punishments awarded by the jail superintendent should be prescribed and strictly followed.

188. The terms 'judicial appraisal', 'surrogates', and 'remedial action' in Sunil Batra Case II, above, have been left unclarified. Under Sec. 11 of the Prisons Act, the district magistrate has statutory powers to give directions to the superintendent of a prison in regard to the jail administration. By virtue of the observations of the Supreme Court, the authority of superintendent of the prisons, as delegated to the district magistrate under the Prisons Act, has been extended to the district judicial officers or their surrogates without making them responsible for the running of the institution. The majority judgement in this case decided by a bench of three judges requires to be further clarified to delineate the intended roles and responsibilities of the judiciary, and the executive in regard to the management of the prisons.

(Para 19.8)

189. Proper check is required to ensure that advocates deputed by the free legal aid boards do not encourage frivolous litigation.

(Para 19.6)

190. Where cases are filed against prison staff on false grounds the Inspector General Prisons should be authorised to grant permission to file civil as well as criminal cases at government cost against those who are responsible for such allegations.

(Para 19.8)

191. In the present system of housing for prisoners in the Indian jails having only barracks/dormitories and generally no cells for "plurality of inmates" it is not possible to comply with the Supreme Court directive that prisoners sentenced to death should be kept in the 'same cell' with other inmates, but separate and not too close to them and under a guard.

(Para 19.6)

192. The observations of the Supreme Court in Prem Shankar Shukla case regarding handcuffing are too liberal and need to be re-examined in the context of present atmosphere when violence has considerably increased and escapes from custody of escorting parties have been taking place frequently. The hand-cuffing of a prisoner should not be connected with the nature of his crime and it should not be done as a routine measure. At the same time, the officer-in-charge of the escort party should have the discretion, after recording valid reasons, to handcuff a prisoner who is known to be dangerous, escape risk, aggressive or desperate type. Necessary legal provisions should be made for this and the State Governments should issue proper guidelines.

(Para 19.8)

#### XX. SUB-JAILS

193. Sub-jails constitute 62% of the total number of institutions meant for keeping prisoners in all the States and Union Territories. Their management and administrative control

staffing pattern, buildings and types of inmates kept in them vary from State to State. Generally, undertrials are kept in sub-jails and in some places convicts with short term imprisonment are also lodged there.

(Para 20.1)

194. The officer-in-charge of a sub-jail is usually of low status and rank and he often finds himself helpless to deal with problems of his institution.

(Para 20.2)

195. The buildings of sub-jails are generally in bad state and living conditions in some of them are almost sub-human. Most of the sub-jails suffer from acute over-crowding and lack of basic facilities.

(Para 20.3)

196. The security arrangements in the sub-jails are generally very weak and unsatisfactory. The security staff in most of them is very inadequate and since it has to manage and control a large number of inmates, some of whom are quite aggressive, rowdy and dangerous, it generally adopts a hard and suppressive attitude. The sub-jails do not usually have any ministerial staff.

(Paras 20.5. & 20.7)

197. While courts have been established in almost all the tehsils or taluks/sub-division headquarters in a district, sub-jails have not been created at each of these places. Some of them have to send prisoners to courts located even as far 60-70 miles away. Arrangements for escort of prisoners in most of the places are very inadequate.

(Para 20.9)

198. The total idleness <sup>- 421 -</sup> amongst the inmates often causes problems of discipline and control among the prisoners, who remain huddled together in over-crowded cells/dormitories.

(Para 20.10)

199. The following are our recommendations:-

- (i) The control over all sub-jails should vest in the prison department. The entire staff for the sub-jails should also belong to that department.
- (ii) New sub-jails should be built at all the places where courts function so as to avoid the need of transporting prisoners to long distances. The buildings of the existing sub-jails should be improved and basic facilities provided so as to reduce resentment among the prisoners on this account.
- (iii) Perimeter walls should be constructed around the sub-jails to ensure better security as well as to provide some open spaces for movement and association of prisoners.
- (iv) The maximum capacity of the dormitories in sub-jails should not be more than 10-12 prisoners and attached toilet facilities should be provided for each such living room.
- (v) Double gate system should be provided at the entrance of the sub-jail. There should be a guard with an armed sentry posted outside the gate of the sub-jail. All rules and regulations with regard to operating of bigger prisons should be followed for the sub-jails, too.
- (vi) The officer in-charge of the sub-jail of a capacity of 50 prisoners or less should be a deputy jailor, of 50 to 100 prisoners a jailor, who should be equivalent in status and rank to an inspector of police. The sub-jails which have more than 100 inmates should be managed by a Deputy Supdt. Prisons, whose rank should be equivalent to that of a Dy. Supdt. of Police.
- (vii) There should be a separate room earmarked for interviews

in the sub-jails. These rooms should have security arrangements, as recommended in chapter XIII.

(ix) An officer of the rank of Addl. Supdt. Central Prisons should be overall in-charge of all the sub-jails located in a district. This officer should be different from the Supdt. of district jail, if any such jail is also located in the district.

(x) Proper lighting arrangements should be made in each sub-jail.

(xi) Prisoners should not be transported from sub-jails to courts/hospitals and back on foot and vehicles should be provided for escort purposes according to a phased plan.

(xii) Proper cooking facilities should be provided in the sub-jails and the system of supply of cooked foods through contractors should be discontinued.

(xiii) Inmates should be made to work on voluntary basis. Trades which suit the local conditions and do not involve much investment may be arranged.

(xiv) Only remand and undertrial prisoners should be kept in the sub-jails. No prisoner convicted for more than one month should be lodged there and separate dormitories should be provided for them. Convicts with longer sentences should be transferred to district/central prisons.

(xv) No escapee, desperate extremist or dangerous prisoner should be kept in a sub-jail. Such prisoners should be lodged in district or central prisons.

(xvi) The scale of food for the inmates of the sub-jails should be the same as for the inmates of the central prisons. The food should be cooked by departmental cooks inside the premises of the sub-jails and proper kitchens should be provided. If undertrial prisoners volunteer to cook

they should be paid wages.

(xvii) One doctor should be attached to each sub-jail on part-time basis and he should visit the sub-jail everyday. He should be paid adequate allowance.

(xviii) There should be separate cells or dormitories with a segregated compound for female inmates of the sub-jails. This portion should be manned exclusively by female staff. The entry to this portion should be through a closed gate locked from inside by the female staff. Where the average daily population of female inmates does not justify the employment of female staff on permanent basis, such staff may be arranged on daily-wage basis.

(xix) Facilities like newspapers, radio, games (both indoor and outdoor) etc. should be provided for the undertrial prisoners in the sub-jails. P.T. and yoga classes should be organised.

(xx) Arrangements should be made for imparting adult education to prisoners in sub-jails on regular basis.

(xxi) A coordination committee consisting of local officials of the judiciary, prosecution, district administration, police and the PWD should be formed by the district magistrate for each sub-jail. This committee should visit the sub-jail once a month to review the position of undertrial prisoners and to inspect the conditions of accommodation, basic facilities etc.

(xxii) Surprise visits by senior officers should be paid to sub-jails as often as possible.

(xxiii) All the staff of sub-jails should be rotated every three years.



(xxiv) Adequate number of family quarters should be built for the jail staff posted at the sub-jail.

(xxv) The police should send to the officer in-charge of the sub-jail detailed information about the nature of offence and background of a prisoner when he is admitted to the sub-jail. In addition to this, the officer in-charge of the sub-jail should interview the prisoner in a thorough and patient manner to elicit from him maximum information about his life history and various activities. All this information will help the officer in-charge of the sub-jail to identify and segregate prisoners who are aggressive, dangerous bullies/goondas, drug addicts, etc. A personal file on each prisoner should also be maintained.

(Para 20.12)

#### XXI. TIHAR JAIL

200. Tihar Jail has, of late, gained prominence and it has been target of criticism by the press and the courts. Tihar Jail has the largest average daily population consisting of a variety of prisoners including dangerous terrorists, wealthy smugglers, influential and highly connected offenders etc. The Mulla Committee Report on Tihar Jail indicated that it suffered from all possible ills, including excessive overcrowding, lack of segregation, poor and inadequate toilet facilities, corruption among staff, lack of homogenous staff cadre, poor pay scales, inadequate promotional avenues especially at the lower levels, long hours of duty and demoralisation among the staff.

(Para 21.1. -22.3)

201. Immediate steps should be taken for decongestion, especially of undertrials and provide basic facilities.

(Para 21.6)

202. Suitable arrangements for interviews should be made with proper supervision to curb malpractices.

(Para 21.8)

203. Attempts should be made to root out corruption and indiscipline in the staff. Proper leadership, positive staff-superior relations should be established and adequate training arranged.

(Para 21.11. & 21.12)

204. Cumbersome disciplinary proceedings under CCA Rules should be simplified to deal with inefficiency and corruption.

(Para 21.13)

205. While parity with police pay scales should be granted, staff discipline should also be as good, if not better, within the police.

(Para 21.16)

206. A new enactment on the lines of CRPF and CISF Act providing stringent disciplinary powers, should be passed. Trade union activities among the staff should be statutorily banned.

(Para 21.16)

207. For a long range solution of the problem of perpetual posting in Delhi, the executive/custodial staff of Tihar Jail should be merged with similar staff of the prison service of either U.P. or Madhya Pradesh as to form a joint cadre. Till such an arrangement is worked out, the management of Tihar Jail should be handed over to the Central Industrial Security Force (CISF).

(Para 21.6)

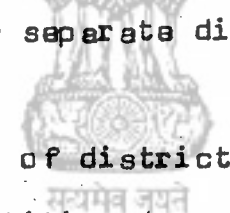
208. For effective leadership, the IG Prisons, Delhi should be a senior IAS or IPS officer in the rank of Joint Secretary or IG police with experience of prison administration.

(Para 21.17)

209. Management-wise the optimal prison capacity should be 750. A number of prisons of such capacity should be built, sufficiently distant from each other to prevent contact of prisoners and staff in their campus. Delhi Administration's plan to construct a jail of 5000 capacity in Shahadara area should be abandoned. Proposal for creating additional capacity of 1400 in the existing Tihar Jail complex, already having 4 jails, is also inadvisable.

(Paras 21.19 & 21.20)

210. Other measures to strengthen security and discipline in Tihar Jail should include:

- 
- (i) Construction of five separate district jails mainly for undertrials.
  - (ii) Pending construction of district jails, construction of temporary barracks with partitioned dormitories for 10-12 prisoners each, in the enclosed campus of each of the three units to remove congestion.
  - (iii) Creation of separate institutions for women and adolescent offenders; shifting of lunatics to Shahdara Mental Hospital; and establishing temporary camp jails to accommodate short-term convicts who are not a security risk.
  - (iv) Constitution of a separate Classification Committee for each unit of Tihar Jail. The staff should maintain watch over the activities of each inmate and submit weekly reports. Based on these reports the Classification Committee should periodically monitor and review the position to make changes in treatment programme and custodial requirements.

- (v) Appointment of a law officer in each unit and one or two government counsels to look after cases relating to the jail.
- (vi) There should be at least two warders, per shift, per ward, of upto 100 prisoners and an additional warder for every additional 50 inmates. One head warder should supervise 3 warders per shift. High security prisoners' wards would need still more staff.
- (vii) A deputy Superintendent Grade II in Jail No.1 and at least an Asstt. Superintendent in each of other three jails should be on duty in the main gate area, round the clock, in eight hours shifts.
- (viii) Thorough regular and surprise searches of all prisoners, barracks and cells should be done daily under direct supervision of an officer not below an Asstt. Superintendent.
- (ix) All members of the staff, except the Jail Superintendent, Deputy Superintendent and Medical Officers, should be thoroughly searched both on entry and exit from the jail main gate. No member of the staff of any rank should be permitted to enter the jail without his photo identity card on his person.
- (x) The entire staff, including Superintendents, should put on uniform. Uniform grant and maintenance charges on par with Delhi Police should be paid.
- (xi) Drug addicts among the prison staff should be identified and their services terminated forthwith.
- (xii) Counting of prisoners at the time of lock-up should be done by an officer not below the rank of Asstt. Superintendent.
- (xiii) Convict officers should never be given keys of the barrack/cells, nor allowed in main gate area or in the office.
- (xiv) Medical staff, including doctors, should be on deputation and under the administrative control of the prison department. Annual Confidential Rolls of hospital staff corresponding upto the rank of Deputy Superintendent Grade I should be written by the

Jail Superintendent, while those in higher ranks by DIG/IG(Prisons).

(xv) Meetings between the prisoners and lawyers, including those of Free Legal Aid Group, should be in a room near the main gate area. Lawyers should normally not be allowed to enter the jail.

(xvi) Separate arrangements for industries/workshops and vocational training should be made in each jail of Tihar.

(xvii) Wages paid to prisoners for work should be increased.

(xviii) Thorough censoring of all letters in a separate room, with restricted entry, be done by specially trained and reliable jail officials.

(xix) Intelligence should be collected through alert observation of behaviour of prisoners and there should not too much dependence on convict officers.

(xx) Frequent opening of the main gate of the jail after 9.00P.M., during nights, even for the entry/exit of the staff on duty, except for inspecting officers, is not advisable from security point of view. Staff on duty in shifts during night should stay inside the jail in a suitable rest room with toilet/canteen facilities.

(xxi) The number of the existing high security prisoners in Tihar should be reduced by their dispersal to in other states prisons, and their further intake should be curbed till the problems of overcrowding and staff are solved.

(xxii) The desirability of revealing objective and factual information about the jail to the media through briefings should be considered. The news about Tihar Jail in media is often based on insufficient or false information. (Para 21.18)

## XXII. ROLE OF THE CENTRE

211. The jails form a state subject. They have always received low priority from the State Governments and their conditions continue to deteriorate.

(Para 22.1)

212. The Government of India have been seriously concerned about the unsatisfactory conditions of the prisons and have shown considerable interest in their reforms. They have also been extending financial assistance for their improvement.

(Paras 22.2, 22.12 & 22.13)

213. Reports of the committees/groups appointed by the Government of India, from time to time, for improvements in our prison system were forwarded to the State Governments but little progress has been made in their implementation. Most of the States want help from the Centre in a big way for development of prisons.

(Para 22.14)

214. The Government of India should now play a more active role to lay down policies on prison reforms, ensure their uniform implementation and provide assistance to the States and Union Territories, as in the case of police, also a State subject.

(Para 22.14)

215. There should be an effective machinery under the Ministry of Home Affairs to deal with prisons. The Government of India should create an organisation called the National Institute of Correctional Administration, with two wings, one for Training and the other for Correctional Services.

(Para 22.14)

216. The training wing of the National Institute of Correctional Administration will meet the training needs of senior prison officers. Besides training in policy formulation, planning and various aspects of management, it would impart an all-India perspective on prison development including on correctional services. It will also render advice, and guidance in establishing training institutions at State and regional levels.

(Para 22.14)

217. The Correctional Services Wing of the Institute should:-

- (i) act as a specialised body for the Ministry of Home Affairs and advise the States and the Union Territories on all matters connected with the prisons;
- (ii) try to bring about uniformity in prison management in States and Union Territories;
- (iii) organise biennial conferences of Inspector Generals/ Directors General of Prisons and take follow-up action;
- (iv) prescribe standards and norms for prison buildings and evolve architecture designs for different categories of prisons;
- (v) make recommendations for uniformity in nomenclature, badges of rank etc. in prison service;
- (vi) periodically undertake studies of cases of riots, escapes, indiscipline etc. and suggest remedial measures.
- (vii) study court rulings which affect the prison management and suggest appropriate measures;
- (viii) examine projects of prison buildings and other areas of prison work for which financial assistance is given by the Central Government;
- (ix) monitor and report on the implementation of recommendations of various committees/groups appointed by the Government of India on prison reforms;
- (x) make recommendations to standardise and prescribe proforma for data collection on prisons;
- (xi) collate, analyse and periodically publish prison statistics on all India basis;
- (xii) study literature on foreign prisons and suggest relevant measures for improvement in India context;
- (xiii) undertake research projects on matters like;
  - (a) documentation systems in prisons;

- (b) use of technical devices in the prisons for security and documentation;
- (c) management of different kinds of prisoners for control and discipline;
- (d) perceptions of prisoners' experiences in Jails to help in devising correctional/treatment programmes and handling of security/discipline problems;
- (e) evaluation of education programmes in prisons.

218. The National Institute of Correctional Administration should be headed by an officer at least of the rank of Joint Secretary, Govt. of India. Each of its two wings should preferably be headed by officers who have worked as IG/DIG Prisons at least for two years. There should be necessary complement of experts in different areas of prison work, research officers, statistical officers etc.

(Para 22.16)

219. The Institute should also perform most of the functions of the three organisations viz., National Academy of Correctional Administration, National Commission of Prisons and Department of Prison and Correctional Administration suggested by Mulla Committee.

(Para 22.16)

220. The existing set up in the Ministry of Home Affairs to deal with the prisons should also be strengthened. There should be an officer with field experience at senior level in prison work, in the rank of Deputy Secretary/Director or Joint Secretary and a regular branch with requisite staff be created under him.

(Paras 22.14 & 22.17)

221. Since the operations of a prison are closely linked with those of the other wings of the Criminal Justice System it is essential that their functioning should be jointly examined and



studied. As recommended by the National Police Commission, in 1979, the Centre should appoint a National Criminal Justice Commission in order to make a coordinated study of the working of the different disciplines like police, prisons executive, judiciary, probation etc. (Para 22.18)

222. The Centre should extend financial assistance, at least at the initial stages, on outright grant basis, to the States for

- i) establishment of regional training centres,
- ii) establishment of training centres for the warder staff and for in-service training courses of other officers in each State; and,
- iii) modernisation of security, communication and transport arrangements in the prisons.

(Para 22.19)

223. The subject of prisons should be brought in the Concurrent List of the Constitution to enable central legislation for uniformity in correctional administration.

(Para 22.20)

### XXIII. SOME PUBLIC IMPRESSIONS ON INDIAN PRISONS

224. In certain quarters, the impression about the jails in our country is that the prisoners lodged there are subjected to torture and in-human treatment. They are denied basic facilities and the behaviour of the jail staff towards them is cruel and degrading.

(Para 23.1)

225. It would not be correct to say that the prisoners in our jails are generally victims of physical torture like beating and assault at the hands of the prison staff.

(Para 23.1)

226. Complaints of physical assaults by individual jail officials on prisoners in situations of isolation like those living in cells are reported sometimes and in such cases strict and deterrent action should be taken against the defaulting jail officials.

(Para 23.1)

227. While there is nothing to show that physical torture of inmates in our jails is a normal feature, they are constantly victims of what may be called mental and psychological torture. This is caused by deplorable living conditions, denial of basic facilities and unsympathetic behaviour of the jail officials.

(Para 23.2)

228. The psychological tension and mental torture of the prisoner is aggravated by the omissions and commissions of other agencies. The prisoner's anxiety and mental agony is increased due to often not being taken to court on the date of hearing of his case because of non-arrival of police escort; frequent adjournments of his case by the court; delay in verification of his parole application by district authorities and lack of attention by the medical staff in the hospitals.

(Para 23.2)

229. The prison management may, thus, face hostile reaction from prisoners because of mental torture caused to them by action or in-action not only in its part, but also on that of the other wings of the Criminal Justice System, on which it has no control. Thus, at many places the jail officials also feel quite harassed, helpless, handicapped and demoralised.

(Para 23.3)

230. There should be close coordination between the officials of all those departments which directly or indirectly affect the life of the prisoners. A committee should be set up in each

magistracy, police, the prison administration, the P.W.D. and the medical department and it should meet at least once a month. At sub-divisional/taluka headquarters, where sub-jails are located, similar coordination committees of local officials should be set up. At state level, a coordination committee of officials under the chairmanship of the Chief Secretary or Home Secretary should be appointed and it should meet at least once in three months. It should have its members I.G. Prisons, D.G./I.G Police, Chief Engineer, PWD and Director of Health. This Committee should be different from the State Advisory Board on Correctional Administration which should be set up under the chairmanship of Minister of Jails.

(Para 23.4)

231. The newly recruited officers of the police, judiciary and executive branch of the administration should, during their initial training and refresher courses, be made to acquaint themselves thoroughly with the working of the prison system in our country and its different problems. Similarly, the training syllabus of the jail officials should include lectures on the working of the police, judiciary and the executive and the area of their inter-action with the prison administration.

(Para 23.4)

232. The image of the jail department in the eyes of the public and the media is poor. The general effect of this is that whenever the jail administration is subject of complaints usually an adverse presumption is drawn against it. Despite various limitations the jail administration should make concrete and determined efforts to improve its image through better performance and efficiency. The State Government should also pay greater attention and higher priority to the prison

department.

(para 23.5)

233. The people in general and the media do not fully know about the prison system, the legal position as it affects the jail administration, the requirement of security and the problems of discipline and control of prisoners. The State Governments and the jail departments have generally followed a 'closed' policy and not tried to educate the people and the media about the actual position. The press tends to rely on deficient information, rumours, speculations and distortions. The management of prison establishment should gradually adopt an approach of openness. The people and the members should know about our jails and the penal policy and they should be provided objective information.

(Para 23.7, 23.8)

#### XXIV. SECURITY VIS-A-VIS REFORMATION

234. In the past the prisons were considered as penal institutions and the prison staff, therefore, considered the safety and security of the prison and its inmates as its primary responsibility. The living conditions in the prisons continued to worsen and a very small staff was required to keep under control a large number of dissatisfied and disgruntled prisoners, a number of whom were violent and aggressive. The technique of the prison officials in handling them was, therefore, generally marked with harshness and lack of sympathy.

235. In recent years the conditions in the prisons have further deteriorated and the number of difficult, violent, aggressive and bully type prisoners has been increasing.

In this prevailing situation the objective of treating the jails as correctional centres for reformation and rehabilitation of prisoners is being emphasised. This has created considerable confusion and cynicism in the minds of the prison officials. They perceive that in the context of prevailing ills in the jails, many of which are beyond the capacity of prison department to remove, any softness in their behaviour and humaneness in their dealings with the prisoners, which are essential for gaining their faith and cooperation to undertake reformatory programmes, may be construed as signs of weakness of the staff and may create problems of security and discipline.

(Paras 24.2 & 24.3)

236. The jail officials should not be entirely blamed for such feelings. They may continue to look at the objectives of reformation and rehabilitation with disbelief till the factors which cause resentment and hostility among the prisoners are removed and arrangements are made for their scientific classification, segregation in small homogeneous groups and for diverse treatment programmes involving education, vocational training, recreational activities, etc.

(Para 24.4)

237. Mere exhortation in training centres to prison officials to convert the jails into institutions for reformation and rehabilitation of prisoners is likely to have little effect towards orientation of their minds in the direction of new philosophy till the required apparatus, adequate staff and other resources are provided in the jails.

(Para 24.4)

238. It would, at the same time, be incorrect on the part of the jail officials to wait till ideal conditions are created and not to take even limited action, within the ambit of the existing resources, in the direction of treatment programmes for prisoner's rehabilitation and to educate and motivate the staff for the same. They should realise that there is no incompatibility or contradiction between security and reformation and both are complementary to each other

(Para 24.4)

Sd/-  
( R.K.KAPOOR)  
Chairman

Sd/-  
(R.L.HANDA)  
Member

Sd/-  
(V.R.DRAVID)  
Member

Sd/-  
( A.K.BASAK)  
Member

Sd/-  
(KALYAN RUDRA)  
Member

Sd/-  
( BRIHASPATI SHARMA)  
Member

Sd/-  
( A.K.SHARMA)  
Secretary

29th July, 1987

---

A P P E N D I C E S

---



सत्यमेव जयते

\*\*\*  
APPENDIX I

No. V-16014/3/86-GPA.IV  
GOVERNMENT OF INDIA/BHARAT SARKAR  
MINISTRY OF HOME AFFAIRS / GRIH MANTRALAYA

.....

New Delhi-110001, the 28th July, 1986.

O R D E R

Security and discipline are closely related aspects of prison administration and the state of discipline largely determines the efficiency of security in jails. Recent events involving jail breaks and reports about criminals in jails indulging in criminal activities indicate the need to review the present state of administration of jails and also the entire prison security systems. With this purpose in view, Government of India have decided to constitute a group consisting of the following:-

- |    |  |   |          |
|----|--|---|----------|
| 1. | 1. Shri R.K. Kapur, IPS (Retd.)<br>Former Director,<br>Intelligence Bureau and<br>presently Advisor in the<br>Home Ministry. | - | Chairman |
|    | 2. Shri S.D. Trivedi,<br>Joint Secretary, IB   | - | Member   |
|    | 3. Shri A.K. Basak,<br>Joint Secretary,<br>Ministry of Home Affairs  | - | Member   |
|    | 4. Shri R.L. Danda, IPS<br>Director General of Police and<br>Inspector General of Prisons,<br>Tamil Nadu.                    | - | Member   |
|    | 5. Shri V.R. Dravid, IAS,<br>Inspector General of Prisons,<br>Maharashtra.   | - | Member   |
|    | 6. Shri Brihaspati Sharma, IAS,<br>Inspector General of Prisons,<br>Uttar Pradesh.   | - | Member   |

3. The terms of reference of the group will be as follows:-

- (a) to examine and review various aspects of administration and management of prisons especially in the context of security and discipline in prisons;
- (b) to suggest measures for their improvement.

The group will submit its report within six months.

Sd/-  
( C. G. SOMIAH )  
HOME SECRETARY



No. V-16014/3/86-GP A-IV      New Delhi-110001, 30th July, 1986

Copy forwarded to:-

1.      The Cabinet Secretary,  
         Government of India,  
         New Delhi.
2.      The Chief Secretary,  
         Government of Tamil Nadu,  
         Madras.
3.      The Chief Secretary,  
         Government of Maharashtra,  
         Bombay.
4.      The Chief Secretary,  
         Government of Uttar Pradesh,  
         Lucknow.
5.      Shri R.K.Kapur, IPS(Retd.),  
         Advisor in the Ministry of  
         Home Affairs.
6.      Shri S.D.Trivedi,  
         Joint Director,  
         Intelligence Bureau.
7.      Shri A.K.Basak,  
         Joint Secretary,  
         Ministry of Home Affairs.
8.      Shri R.L.Handa, IPS,  
         Director General of Police  
         and Inspector General of Prisons,  
         Tamil Nadu, Madras.
9.      Shri V.R.Dravid,  
         Inspector General of Prisons,  
         Maharashtra, Bombay.
10.     Shri Brihaspati Sharma, IAS,  
         Inspector General of Prisons,  
         Uttar Pradesh,  
         Lucknow.

Sd/-  
( K.L.ARORA )  
DIRECTOR

- 44U -  
APPENDIX II

IMMEDIATE

No. V-16014/3/86-GPA-IV  
GOVERNMENT OF INDIA/BHARAT SARKAR  
MINISTRY OF HOME AFFAIRS/GRIH MANTRALAYA

.....

New Delhi, the 13th August, 1986.

O R D E R

In continuation of this Ministry's Order of even dated 29th July, 1986 it has been decided that Shri A.K. Sharma, Director(P&CD), Ministry of Home Affairs will function as Secretary to the Group.



Sd/-  
( A.K. BASAK )  
JOINT SECRETARY (CS)

No. V-16014/3/86-GPA.IV

New Delhi, the 13th August, 1986.

Copy forwarded to :-

1. The Cabinet Secretary, Government of India, New Delhi.
2. The Home Secretary, Govt. of India, New Delhi.
3. Shri R.K. Kapoor, IPS(Retd.), F-7, Vasant Vihar, New Delhi-110057, Adviser in the Ministry of Home Affairs New Delhi.
4. Shri A.K. Sharma, Director(P&CD), Ministry of Home Affairs.

Sd/-  
( A.K. BASAK )  
JOINT SECRETARY (CS)

- 441 -  
APPENDIX III

No1V-16014/3/86-GPA-IV  
Government of India/Bharat Sarkar  
Ministry of Home Affairs/Grih Mantralaya

....  
New Delhi, the 22nd August, 1986.

To

The Home Secretaries of  
all the States and Union Territories.

SUB:- Setting up of a Group by the Government of India under  
the Chairmanship of Shri R.K.Kapoor to study the Security  
and Discipline aspects of Prison Administration in the  
country.

....

Sir,

I am directed to say that the Government of India has  
constituted a Group to go into administration and management of  
prisons, specially regarding security and discipline aspects of  
in jails vide order of even number dated 29.7.1986 (copy enclosed).  
The Members of the Group are as follows:-

- |    |   |   |          |
|----|---|---|----------|
| 1. | 1. Shri R.K.Kapoor, IPS(Retd.)<br>for Director, IB and<br>presently Adviser in MHA. | - | Chairman |
| 2. | 2. Shri S.D.Trivedi, Joint Director, IB   | - | Member   |
|    | 3. Shri A.K.Basak, Joint Secretary,<br>Ministry of Home Affairs                     | - | Member   |
|    | 4. Shri R.L.Handa, IPS<br>DGP and IG Prisons, Tamil Nadu.                           | - | Member   |
|    | 5. Shri V.R.Dravid, IAS<br>IG Prisons, Maharashtra                                  | - | Member   |
|    | 6. Shri Brihaspati Sharma, IAS,<br>IG Prisons, Uttar Pradesh.                       | - | Member   |

2. It has further been decided that Shri A.K.Sharma,  
Director (Prisons & Civil Defence) Ministry of Home Affairs shall  
co-ordinate all matters pertaining to the Group in the Ministry  
of Home Affairs and shall also act as Secretary to the Group.

3. I am also to enclose a copy of the D.O. letter addressed  
by Shri I.P.Gupta, Additional Secretary, Ministry of Home Affairs  
to Chief Secretaries of all States and Union Territories in this  
connection. It is requested that necessary assistance and facili-  
ties may be extended to this Group and its Members/Secretary who  
may be visiting the various States and Union Territories in  
connection with the work of this Group so that they could finalise  
their recommendations within the stipulated time.

Yours Faithfully,

Sd/-

( R.S. TANWAR )

UNDER SECY. TO THE GOVT. OF INDIA.

Endst No. V-16014/3/86-GPA-IV Dated the 22nd August, 1986.

Copy to all Inspectors General of Prisons, States/UTs.

Sd/-

( R. S. TANWAR )

UNDER SECY. TO THE GOVT. OF INDIA.

Copy to :-

1. PS to Adviser (alongwith copy of D.O. letter of AS(IS) dated 7.8.1986 and a copy of the Order nominating Shri A.K. Sharma to act as Secretary).
2. PS to JS(CS), MHA
3. Director (PLCD), MHA.

Sd/-

( R. S. TANWAR )

UNDER SECY. TO THE GOVT. OF INDIA.



- 443 -  
( COPY )

I.P. GUPTA  
ADDITIONAL SECRETARY  
TELE. 3016933

D.O. No.V-16014/3/86-GPA.IV  
GOVERNMENT OF INDIA  
MINISTRY OF HOME AFFAIRS  
NEW DELHI- 110 001  
DATED 7.8.1986

Government of India have constituted a Group to examine and review various aspects of administration and management of prisons especially in the context of security and discipline in prisons and to suggest measures for their improvement. The Group is expected to submit its report within six months. A copy of the Order constituting the Group is enclosed.

2. It is requested that necessary facilities and assistance required by the Group to complete its task may kindly be provided.



Yours sincerely,

Sd/-  
( I.P. GUPTA )

Chief Secretaries, All States and U.Ts.

APPENDIX-IV

No. V-16014/15/86-GPA.IV  
Government of India/Bharat Sarkar  
Ministry of Home Affairs/Grih Mantralaya

New Delhi, the 4th Sept., 1986.

To

The Home Secretaries,  
of all States & U. Ts.

SUB:- Setting up of a Group by the Govt. of India under the Chairmanship of Shri R.K. Kapoor to study the security and discipline aspects of prison administrations in the country- issue of Questionnaire to the States/U. Ts.

- Ref: 1) Order No. V-16014/3/86-GPA.IV dated 29.7.86 from Ministry of Home Affairs.  
2) M.H.A.D.O. letter No. V.16014/3/86-GPA.IV dated 7.8.87 from Shri I.P. Gupta, Additional Secretary.  
3) M.H.A letter No. V-16014/3/86-GPA.IV dated 22.8.86.

Sir,

I am directed to invite your attention to the reference cited above and to enclose 2 copies of the Questionnaire on Security and Discipline aspects of Prison Administration prepared by the Group on Security and Discipline with the request that reply to the questionnaire in triplicate may kindly be sent to Shri A.K. Sharma, Director (P&CD), MHA Coordinator and Secretary to the Group by 7.10.1986 positively.

2. A copy of the questionnaire is also being sent to the I.G. (Prison) of your State/U. T so as to facilitate early action thereon.

3. Apart from the issues raised in the questionnaire any other suggestion/recommendation on Prison Administration would also be welcomed.

4. The receipt of this letter may kindly be acknowledged.

Yours faithfully,

Sd/-

( R. S. TANWAR )

UNDER SECY. TO THE GOVT. OF INDIA.

Encl. As above.

Copy with enclosures to IG(Prison) of All States/UTs.

Sd/-

( R. S. TANWAR )

UNDER SECY. TO THE GOVT. OF INDIA.

MINISTRY OF HOME AFFAIRS      QUESTIONNAIRE (AUGUST, 1986)

(issued by the Group on Prison Administration with special reference to security and Discipline in Jails.

Basic Data (1) Number of jails in the State and their break-up in various categories, namely Central Jail, District Jails. Special Jails etc. Please attach list of jails of various categories and if security classification (vide para 4 below) of prisons has been done, then please indicate security classification of each prison in the list.

Open Prisons (2) Open prisons, if any. Give list with inmate capacity of each.

- (3) (a) total inmate capacity of the jails in the State.  
(b) what was the actual inmate population (give figures) for the last four years namely, 1983, 1984, 1985 and 1986 as on 31st March of each year.

Please also give figures of:-

- (i) Convicts;  
(ii) Under Trials & other non-convict Prisoners  
(iii) Female convict and under-trials  
(c) Extent of over crowding and the problems which it creates.

Classification of prisons on basis of security:

- (4) Is there any classification on prisons from the point of view of security? What is the basis? How does it work? Are you in favour of the following classification recommended by the All India Committee on Jail Reforms (1980-83):

- (i) special security prisons
- (ii) maximum security prisons
- (iii) medium security prisons
- (iv) minimum security prisons

Classification of prisoners:

5. Do arrangements for interviewing and classification of prisoners exist in various jails in your state ? If so, what is the detailed programme ? Is confinement of an inmate and his treatment programme decided on the basis of classification ? Does classification help in detection of desperate and dangerous characters, confirmed or habitual criminals and violent/unreliable prisoners.

Security arrangements:

6. (i) Perimeter security:

(a) What are the general arrangements for perimeter security in the various categories of jails ? Please give details.

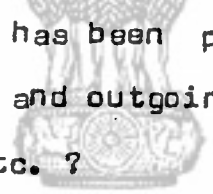
(b) Cut of bounds area: Has any area around the institution premises been marked out of bound area ? If not, what are the problems in doing so ?



- (c) Watch towers: Have watch towers on perimeter and control towers within the premises of the jails been provided? Are you in favour of having such towers in those jails where they do not exist? What are the difficulties, if any, faced in making security arrangements through watch towers, wherever they exist?
- (d) What is the basis for selection of personnel for tower duty? What fire arms are provided to them? What are the arrangements for communication with towers? What are the lighting arrangements? What drill for change of duties at the tower is followed? Have any written instructions been issued to towermen explaining the 'dos and donts'?
- (e) Have you any recommendation regarding the design for a watch tower or control tower?
- (ii) Daily check of the buildings: What are the arrangements to check the security of walls, buildings, gates, dormitories, barracks, cells, hospital area, doors, windows, etc? Is daily inspection done? If so, who does it and what is the drill? How thorough is this daily inspection? What records are being maintained in this connection? What problems are faced in undertaking this task?

(iii) Lighting: What are the lighting arrangements in jail buildings- both inside and outside ? What percentage of jails buildings are electrified ? Are there plans for electrification of all the buildings and if so, what is the target period for full electrification ? Have stand by generators been provided for buildings which have been electrified ? Have emergency lights been provided in sensitive parts of the institution premises ? What are the problems faced in connection with lighting of the buildings and what are your recommendations to solve them ?

(iv) Searches:

- 
- (a) What system has been prescribed for searches of incoming and outgoing inmates, articles, vehicles, etc. ?
  - (b) Is there any system for daily or periodical surprise search of all prisoners, different sections of prisons, equipment, etc. ?
  - (c) What staff has been provided to do search duties ? Is it adequate ?
  - (d) What training in undertaking searches has been given to the staff ?
  - (e) What problems and difficulties are being faced for undertaking various types of searches mentioned above and what are your recommendations?

- (v) Control on movement of prisoners: What system is being followed to control the movement of inmates within the premises of prisons ? Is there any system of control of such movements from a central point ? What are your recommendations for ensuring such control in an effective manner ?
- (vi) Control of contraband articles: What system, if any, is being followed for detection and control of contraband articles? What are your recommendations for evolving an effective system for this ?
- (vii) Counting of prisoners: What method is being followed for counting of inmates so that there is accurate counting of whereabouts of all the inmates at any particular time. What are your recommendations in this connection ?
- (viii) Custody and control of locks, keys and security equipment: What system has been evolved for proper custody, control and inspection of locks, keys, handcuffs and other security equipment ? What are the arrangements for maintenance and service of all security equipment ? What problems are being faced and what are your recommendations ?
- (ix) Custody/control/inspection of tools and equipment, etc: What system is being followed for custody, control and inspection of tools and other equipment which are used by the inmates for various activities and tasks assigned to them ? What difficulties are being faced and what are your recommendations ?

(x) Security of fire arms, quarter guard magazine:

What system is being followed for control and security of fire arms, quarter guard and magazine? Are the arrangements satisfactory? What are your recommendations, if any?

(xi) Type and use of fire arms: What type of fire arms are

being provided to the various institutions? Are they easy to handle and can be used in an emergency in an effective manner with least damage? How old is the ammunition usually available with the institutions? What are your recommendations for arms and ammunition to be given to jail staff?

(xii) Issue of fire arms: Which of the prison officials are issued fire arms? Have they been doing regular firing practice? What are the arrangements for periodical testing of their efficiency in handling fire arms? To what extent it is advisable to issue fire arms to the jail officials? What are your recommendations in this connections particularly in regard to maximum security prisons?

Are fire arms ever allowed inside prisons?

(xiii) Censoring of inmate mails: What arrangements for censoring of mails of inmates exist? Is complete censoring done? Has the jail staff been authorised to do this? How is confidentiality about censoring ensured? Has the censoring staff been properly trained in their work? What is the position about adequacy of equipment for censoring? What are your recommendations about censoring of mails of inmates?

(xiv) Intelligence: What are the arrangements to collect information about the thinking, feeling, mood and

temper of inmates? Are the jail officials in a position to acquire this information constantly and confidentially? Is there need for assistance from any outside agency? What are your recommendations for developing an adequate intelligence system inside the jails?

(xv) Escorting inmates within the premises of the institutions:

What precautions are being taken to escort inmates from one point to another within the institutions compound? What are the arrangements for escorting a single inmate or a group of inmates? Are the inmates made to move in lines to the place of work, place of taking their meals, etc.? What problems, if any, are being faced by the prison staff in this connection and what are the recommendations?

(xvi) Emergency schemes: Have emergency schemes to deal with fires, riots, accidents, etc., been prepared and the equipment required is available? Is periodical practice of the emergency schemes done? What are your recommendations on this subject?

In Gate 7: (i) Has any out-of-bounds area been provided near the Main Gate?

(ii) Where are the vehicles of visitors parked?

Are they parked at some distance away from the Main Gate?

(iii) Has any enquiry office been provided near the Main Gate of each institution?

(iv) Have waiting rooms for visitors been provided near enquiry office?

- (v) What are the security arrangements, both external and internal, at the Main Gate ?
- (vi) What is usually the rank of the Officer -in-charge of the Gate ? Is he from the custodial staff ? Is he burdened with duties other than the security of the Main Gate ?
- (vii) Is the sanctioned strength of the personnel meant for the security of the Main adequate ? What, in your view, should be the yardstick for sanction of personnel for such security duties ?
- (viii) Has an effective system of checking of the documents maintained in the office near the Main Gate been evolved ? What problems, if any, are being faced in this connection and what are your recommendations ?
- (ix) What method is being followed for correctly checking the identity of a prisoner from the documents which are brought with him ? What are the loopholes and what are your recommendations for improvement ?
- (x) What procedure is being followed for initial admission of prisoners at the Gate ? Have the recommendations made in the Model Manual been adopted ?

(xi) Are searches of the following being made at the gate in an effective manner -

- (a) all inmates-Coming and going out.
- (b) all visitors-coming and going out.
- (c) staff members-coming and going out.
- (d) articles, headloads, vehicles etc.,- coming and going out.

Has adequate staff been provided for undertaking these searches and have they been properly trained for this purpose ?

(xii) Are any vehicles allowed inside the institution ? Normally no vehicles except the ambulance or fire tenders should be allowed inside the prison. These should also be allowed entry on the basis of a gate pass. Is this practice being followed ? Are there any problems in this connection ?

(xiii) What is the system of checking articles which are to be allowed to go inside or outside a prison ? Normally this should not be permitted unless accompanied by a gate pass issued by competent authority. Is this procedure being followed ? If not, do you have any recommendations ?

(xiv) Have any standing instructions been issued for the personnel who are assigned duties at the Gate ? Are these standing instructions reviewed periodically ?

Visitors 8. (a) What system for giving permission to persons

who may visit their inmates is followed? Are

the inmates at the time of admission in the

institutions asked to give lists of relatives

or friends from whom they may like to receive

visits or mail? If so, how are these lists

scrutinised and which category of persons

mentioned in them approved by the jail officials?

(b) Is any verification of the persons approved

for visits to any of the inmates done? If so,

what is the procedure followed in this connection?

(c) How often in a month an inmate is allowed

visits?

(d) What is the duration of each meeting?

(e) What are the visiting days and visiting hours?

(f) How many visitors to meet an inmate are

allowed at one time?

(g) Are visitors required to register? If,

so, where and what details about them are

recorded?

(h) Have waiting rooms for visitors been provided?

Have notice boards listing contraband articles

and prohibited acts been permanently displayed

near the waiting rooms?

(i) Is there any system of keeping in the waiting

room printed informative material explaining



Important rules for information and guidance of visitors ?

- (j) Do the waiting rooms have necessary conveniences like seating arrangements, drinking water, etc.
- (k) Are visitors searched ? Have search rooms for visitors been provided ? If so, who undertakes these searches both of men and women visitors ? Has women staff been provided to do searches of women visitors ? What category of visitors are exempted from searches and why ?
- (l) What system is being followed to bring the inmate to visitors room if a visitor has come to see him ? How is it ensured that there is no unnecessary delay ? For how long has a visitor usually to wait before he can see the inmate ? There is scope for corruption in this regard and what measures are adopted to check it ?
- (m) What are the general arrangements in the visiting room about seating, partition/ barrier between the inmate and the visitor ? Are the inmate and the visitor allowed to touch each other. Are there grill and also wire meshing screens ?
- (n) Are the visits allowed under the close supervision of prison officials ? How many meetings a single prison official has to

watch and supervise at one time ? Are the existing arrangements adequate ? If not, what are your recommendations ?

(o) What are the differences in the rules and procedure, if any, in regard to visitors for undertrials and convicts and special category detenus under COFEPOSA etc.

(p) What is the nature of problems, mischief and undesirable activities which have come to notice from time to time during inmate visiting ? How are they tackled by the jail officials ?

(q) Are the relatives/friends visiting an inmate allowed to hand over some articles to him? If so, what type of articles are these ? Are there arrangements to thoroughly examine and search these articles ?

(r) What are your recommendations to bring about improvement in the existing arrangements for jail visiting ?

Communica- 9. What are the arrangements for communication  
nica-  
tion  
and  
other  
equip-  
ment. between the jail authorities, towers, guards and various sections of jails, etc. Have

telephones, VHF communication, walkie-talkie sets, etc, been provided? What are your recommendations for proper and effective communication system in the Jails?

10. Has any X-ray equipment for detection of contraband metallic articles and explosives detectors been provided? If not, are there any plans to acquire them?

Temples  
Gurdwaras  
and  
Mosques:

11. Are any temples, Gurdwaras and mosques located in the premises of the jails? If so, are inmates allowed to visit them? How is their movement and collection at these places of worship controlled and watched? Are Sikh inmates allowed to keep kirpans inside the jails?

Dining  
places

12. What are the normal arrangements for inmates to take their meals? Have dining halls and sheds been provided? Do all the inmates take their meals at the same time and at the same place? What are the arrangements for regulating their movement to such places and for discipline and security?

Kitchens

13. What is usually the arrangement for cooking of food in the institution? Is the food for all the inmates cooked at the same place? If so, what is the criterion for assignment of such cooks (from inmates) to kitchens? For how many hours has an inmate to work in the kitchen? What are the arrangements for watching and supervision over such cooks? What arrangements have been evolved for daily check of knives, tools or anything that can be used as a weapon? Are any inmates allowed to cook in their cells? If so, what are the arrangements to check when they indulge in any mischief?

Jail 14.  
industries

What are the arrangements for ensuring security and discipline in the premises of jail industries ? What system is being followed to check tools, boxes, barrels, crates, etc. in which inmates may hide ? How is daily checking of ropes, wires, ladders, inflammable articles, etc. done ? What are the loopholes in the arrangements and what are your recommendations to make them more effective ?

Mechanical 15.  
stores

What is the type of equipment usually kept in such stores ? Has a system for proper checking and accounting of articles which can be used as weapon or for escape or destruction of property e.g. saws, wrenches, piles, paints, oils and inflammable articles been made ?

Institution 16.  
tours :

Are any visitors taken through the institution for tours within the premises ? If so, what are the rules and procedures what precautions are taken enforce them ?

Transport 17.  
and  
drivers:

Have prisons been provided any vehicles and drivers ? If so, what is the transport used for ? What are the arrangements to check the security and reliability of drivers ?

Assignment 18.  
ment of  
inmates  
outside the  
institution;

Are the inmates sent an assignments outside the institution like farms, construction sites etc. ? If so, what is the criterion for assignment of inmates for such work ? How are security and discipline ensured ?

Outside 19.  
construction  
employees:

What is the usual arrangement for check and watch on movement of outside contractors ? Are inmates permitted to work for a contractor or his employees ? If so, how watch is kept over them ?

Hospitals: 20.

What are the general arrangements for security and discipline in the jail hospitals ? Are inmates assigned to hospital duties ? If so, what is the nature of such duties ? How is it ensured that these inmates do not have access to surgical equipment and risky/ poisonous drugs, etc.

Staff: 21.

Is the staff meant for security and custodial responsibilities separate from other staff of the prison ? In case it is separate, please give details about the following :

- i) the staff structure i.e. various ranks and their responsibilities;
- ii) adequacy of strength;
- iii) method of recruitment;
- iv) arrangement for training-initially and inservice; please enclose copy of present syllabus with recommendations for improvement, specially for training on security and discipline.
- v) system for deployment of duties;
- vi) supervision;
- vii) morale;
- viii) duty hours, compensatory leave etc;
- ix) accommodation facility;
- x) promotional avenues;

- xi) welfare measures like welfare fund, cooperative canteen messing facility, etc;
- xii) state of discipline; are disciplinary powers adequate ;
- xiii) method of recognition of instances of good work; incentives, etc;
- xiv) how is cooperation between the various sections of the staff in the jails ensured and that they should have proper appreciation of the problems and responsibilities of each other; your recommendations;
- xv) system of transfer to other prisons.
- xvi) Are warder and head warders transferred to other prisons every 3 or 4 years ?  
Please give your details recommendations to improve the present state of affairs regarding staff problems.
- xvii) In case the security/custodial staff is not separate from other staff of the prison, are all members of the prison staff required to perform custodial duties ? Are they all trained for this purpose ?
- xviii) Is the staff governed by the same disciplinary and conduct rules and as per civilian staff ?  
Are you in favour of special discipline, control and conduct rules for prison staff on the lines of police or other organisations like CRPF etc. ?

Women staff: 22. Is women staff available in jails in your State ?  
Is it adequate ? What is the system for recruitment of women personnel and their training ? What problems are being faced in regard to the women staff and what are your recommendations ?

Convict 23. officers:

- (i) Is the system of convict officers still continuing in the institutions in your states ?
- (ii) Are such convict officers employed for :-
  - (a) custodial duties;
  - (b) non-custodial duties, and
  - (c) for both.
  - (d) what is the nature of responsibilities/duties assigned to the convict officers;
- 23(a) Are you in favour of the system; if so, for what duties; give your views regarding disassociating them with watch and ward and security duties by regular staff; recommendation, if any.
- (iv) On what basis are convict officers selected?
- (v) How is supervision and control exercised over them ?
- (vi) Is there any system of frequent review of performance of each convict officer ? If so, please give details. Is any record maintained in this connection ?
- (vii) Are there any plans to abolish the system of convict officers in your state ? if so, to what extent progress has been made in this connection ?
- (viii) What are your views and specific recommendations in regard to the system of convict officers ?

Uniformed 24. staff:

- Which section of jails staff puts on uniform ? Won't it be advisable that all members of the jail staff put on uniform ? What is the position regarding supply, replacement of uniform ? Is some uniform maintenance allowance given to the staff ? Is it adequate ?

Discipline inmates: 25. What is the nature of problems being encountered in respect of inmate discipline ? How are they being tackled and what difficulties are being experienced ? Are the disciplinary powers delegated to the jail officials to deal with inmate adequate? Is it correct that some of these powers are too punitive and not compatible with the present day prison objective of reformation and rehabilitation. Please give detailed comments and indicate your recommendations.

Discipline staff: 26. What is the state of affairs in regard to staff discipline in the prisons and allied institutions in your State. Are the disciplinary powers as delegated to the supervisory officers adequate? Please give your detailed comments on the position of staff discipline and recommendations in this connection.

Court-rulings/orders: 27. The Supreme Court has ruled that preventive measures adopted in prisons are now open to examination by courts and the prison authorities could not plead immunity from such interference on grounds of maintenance of security and discipline. What is the nature of problems that have arisen about ensuring proper security and discipline in the jails in the light of these orders of the Supreme Court and other orders which are issued by the courts from time to time in regard to convicts/undertrials ? Please specify some of the important court rulings/directions



which have created problems from the point of view of security and disciplines. What measures should in your view. be adopted so that the required degree of security and discipline are maintained and at the same time court dissections are complied with ?

Under- 28. What facilities and privileges different from those to trial  
prisoners convicted inmates are enjoyed by undertrials and  
and other  
unconvic- other unconvicted inmates ? Do ~~they~~ enjoy any special  
ted inma-  
tes: facilities in regard to their interviews, meals,

movements in the jail, etc ? What problems in regard to security and discipline are created by presence of large number of undertrials and unconvicted inmates ? What are your recommendations in this connection ?

The best solution to the problems created by the presence of large number of undertrials and unconvicted inmates would be creation of separate institutions for them. However, this may take a long time. What are your recommendations to deal with the situation as it prevails today ?

Prisoners 29. It is reported that prisoners coming from moneyed  
getting influential or sophisticated backgrounds manage to get  
upper an upperhand in the prison and succeed in undermining  
hand prison discipline and security rules. Also, in some  
of the institutions the prison officials are frequently subjected to threat by the inmates or their supporters living outside and they are not able to perform their duties properly. What are your recommendations for dealing with this problem ?

Idleness 30.(i) of inmates:

One of the causes of indiscipline in prisons is the rampant idleness of inmates. What is the condition in the prisons in your state ? What are your recommendations ? Have meaningful programmes for work, vocational training and education been developed in your prisons ?

(ii) Are any wages being paid to the inmates in your state for work in the jail industries or performing duties relating to maintenance service, etc? If so, are these wages reasonable as to sustain interest in work in the inmates ? What are your recommendations ?

(iii) Perhaps, the undertrials and other categories of unconvicted inmates cannot be compelled to work. What measures can be taken to keep them occupied ?

Open 31. prisons

Do such prisons exist in your state ? What are the arrangements for security in these prisons ? What problems and difficulties are being faced in this regard ? What are your recommendations ?

Sub- 32. jails:

What are the general security arrangements in the sub-jails and what problems are being faced ? What is the criterion for putting an inmate in a sub-jail ? Are habitual offenders and desperate/dangerous criminals also lodged there ? Have the sub-jails been brought under the control of I.G.(Prisons), as recommended by the Jails Reforms Committee( 1980-83).

Convi-  
cts 33. under  
death  
sen-  
tence

Are the arrangements for security of convicts sentenced to death satisfactory in your jails ? What is the nature of problems faced in this connection ?

Do you have any recommendations ?

Women  
Priso-  
ners:

34. Have separate annexures for women prisoners been provided in the various jails including sub-jails? What are the arrangements for ensuring security and discipline among women inmates? What difficulties are being faced and what are your suggestions and recommendations ?

Corrup-  
tion/  
malprac-  
tices in  
jails:

35. It is stated that corruption and malpractices are rampant in Indian jails. What are your views ? What aspect of jail work provides scope for corruption and malpractices by the staff ? Please identify clearly the different areas of prison administration in this connection. Please also indicate modus operandi adopted by the personnel and magnitude of the problem in each area of the jail administration in regard to their corrupt practices. To what extent is the staff meant for security involved ? What measures should be taken in your views to check corruption and other malpractices ?

Coordi-  
nation  
between  
jails  
and  
other  
branches  
of Admin-  
stration:

36. Please indicate whether adequate coordination between the jails, police, prosecution, judiciary and the executive exist at district level. What measures can be adopted to ensure better coordination ?

Booklet  
for in-  
formation  
of  
inmates

37. Is every inmate, at the time of admission in prison provided with a booklet explaining the disciplinary requirements, his rights and obligations and regulations governing his treatment ? Are you in favour of giving such booklets to inmates? If yes, are any problems being faced in preparing booklets and issuing them to the inmates ?

Trials in prisons: 38. (i) What is the legal position ? In what circumstances such trials can be held ? What are the directions/orders, if any, of the Supreme Court in this regard;

(ii) Are such trials advisable? What are advantages and disadvantages ?

(iii) What problems, if any, trials of accused in prisons create for the jail staff ?

Facilities for prisoners in court premises and security arrangements: 39.

Where are prisoners usually kept ? In court premises, have security rooms or lock-ups been provided for them ? Are there any facilities for toilet, drinking water, etc ? To what extent the present conditions create problems from security angle ?

Use of police for jail security 40.

Of late, police is being deployed alongwith the jail staff for security duties in some prisons. Are you in favour of deployment of police in jails ? Does it create any problem of operational control or otherwise ? What are your recommendations ?

Staff Unions/associations: 41.

Is the jail staff permitted to form unions/associations ? If yes, will it not be advisable to ban this as jail service should be treated at par with other security services ?

Jail Manual: 42.

Has revision of jail manual in your state as recommended by the All India Jail Manual Committee (1957-59), been done ? If yes, in which year and have various recommendations made by this Committee in regard to security and discipline been accepted ? If the revision

of jail manual has not been done, what is the progress in this connection ?

Security 43.  
vis-a-vis  
reforma-  
tion;

The two main objectives of jail administration are security and reformation of convicts. For security, strict discipline is necessary and this involves effective enforcement of rules, regulations and restrictions. For reformation and rehabilitation of convicts, a treatment programme based on personal, human and sympathetic (though firm) approach is to be followed. This may prison officials feel, results in erosion of discipline and dilution of security. What measures should be adopted to make security and reformation programme complementary to each other.

Record of 44.  
past history/  
antecedents;

Is there any system of keeping record of past history/antecedents of prisoners ? Is there any coordination between the police and jail authorities ? What are your suggestions/recommendations ?

Escort of 45.  
prisoners;

What are the arrangements for escort of prisoners of different categories to the courts or other institutions ? Are they adequate ? Has any appraisal been done ? What are your suggestions/recommendations ? Whether police or jail officials escort the prisoners to courts are advantageous/disastrous. Your recommendations.

Prison 46.  
riots;

Whether there was any serious riot in any of the prisons of your state in the last 30 years ? If yes, please give brief details. Who were the

elements responsible for these riots ? Were there any failures on the part of the staff? How were the riots controlled ? What in your views, is the best method of preventing riots in prisons and if such riots occur, how best they can be controlled ?

Supervision of inmates in quarters: 47. What procedure is followed for supervision of inmates in quarters(barracks, cells, etc.)

This usually involves taking counts, enforcing rules, issuing supplies, distributing mails, promoting good house keeping and personal hygiene, preventing pilfering and thefts in cells, supervising inmates general welfare.

What problems are being faced in this connection ?

Evaluation of an inmate's security status: 48. What is the method, if any, adopted by the prison administration to evaluate whether an inmate is a security risk before he is assigned a job within the institution. Are detailed records(statement of facts, police reports, record of escapes, length of sentence, type of offence, absence or existence of close family's ties, report of classification board) maintained ? Are they periodically studied and examined with a view to establish the inmates pattern of life ? What are the problems and your views and recommendations ?

Transportation and escort of inmates: 49. What are the arrangements for transportation and escort of prison inmates from

(i) jails to courts,

(ii) from jail of one district to another, and

(iii) from jails of one State to those in other States ?

What is the drill for arranging the escort ?

Are the personnel detailed for security duties properly trained in this work ? Are they told the do's and don'ts while performing escort duty ? Is any training given to them about the precautions which should be followed by them constantly ? Are the prison arrangements

for escort and transportation satisfactory ?

Has proper evaluation been done in view of the fact that number of escapes take place during transportation of prisoners from one place to another ? What are your recommendations ?

Present 50.  
conditions  
in jails:

The All India Committee on Jail Reforms (1980-83) had in chapter III of its report highlighted the highly unsatisfactory conditions prevailing in Indian prisons.

This Committee had submitted its report in 1983, the recommendations of which have been referred to the State Governments for implementation. Has there been any improvement or deterioration in the situation since then ? Please identify the areas in which there has been improvement and those where conditions have further deteriorated, Please specially give your detailed comments in respect of

those aspects of jail administration which have bearing on security and discipline.

Buildings  
living  
conditions  
for  
inmates:

51. What is the general condition of various categories of prison buildings in your State ? It would be recalled that in chapter V of its report Mullah Committee had observed that conditions of the barracks, dormitories and cells in which inmates were generally housed were "deplorable". What is the position in regard to the living conditions for inmates in jails of various types including sub-jails? Are basic facilities for toilet, bathing, lighting, drinking water, cleanliness, etc. adequate ? What are the problems and what are your recommendations ? Give improvements effected during 1983-86 and after Centre's assistance under Eighth Finance Commission.

Morale  
of the  
staff:

52. What is the general position about the morale of the present staff? It is reported that it is extremely low. If this is correct, what are the reasons for low morale ? What are your recommendations to improve the prevailing conditions in regard to the staff morale ?

Parole  
system

53. How is the parole system functioning in your State ? Are applications for parole in deserving cases scrutinised and processed promptly and



Parole is granted quickly. What are the difficulties and what are your recommendations regarding the whole system of parole ?

Inspections: 54. What is the present system of inspections by the prison staff and the supervisory officers of the prison department? Please give details and your suggestions for improvement.

Photographs and Finger Prints: 54(a) Will it be advisable to have arrangements for photographing and fingerprinting of inmates in the prisons ? Copies of photographs and fingerprints can be kept in the files of various inmates. What is the legal position regarding photographing and fingerprinting of inmates ? Will any changes in law be required if photographs and fingerprints are to be kept ?

Escapes: 55. While information regarding escapes was requested separately please enclose statistics of escapes for the last 5 years along with copies of enquiry reports in respect of major incidents of escape riots and major cases of indiscipline.

General: 56. Any other suggestion/recommendation you would like to make to improve the efficiency, discipline and security in prison administration.

Police dogs: 57. Will it be advisable to have police dogs to supplement the security arrangements in some categories of prisons ? Please comment.

Administrative Offices: 58. At present, in most of the prisons administrative offices are located between the two gates of the main entrance to the prison. What are the advantages and disadvantages in this arrangement, especially from the point of view of security ? Will it be advisable to have a separate administrative block outside the main prison building ?

Records: 59. What is the position regarding maintenance of records relating to each individual inmate ? Is detailed data of each inmate available ? Do other agencies cooperate in giving information of their areas of responsibility ? Are records made upto date from time to time ? What are the problems and how improvement can be brought about ?

N.B: As far as possible information in respect of all major Institutions/Jails may be sent.

APPENDIX V

STATEMENT OF JAILS AND OTHER INSTITUTIONS  
VISITED BY MEMBERS OF THE GROUP

- I.       ANDHRA PRADESH
1. Central Jail, Hyderabad.
  2. District Jail, Hyderabad.
- II.       ASSAM
1. District Jail, Guwahati.
  2. District Jail, Tezpur.
- III.      BIHAR
1. Central Jail, Bankipur, Patna.
  2. Central Jail, Phulwari Sharif, Patna
  3. Central Jail, Bhagalpur.
  4. Special Jail, Bhagalpur.
  5. Central Jail, Hazaribagh.
- IV.      GUJARAT
1. Central Jail, Sabarmati, Ahmedabad.
  2. Open Jail, Ahmedabad.
  3. Jail Training School, Ahmedabad.
- V.        HARYANA
1. District Jail, Gurgaon.
  2. District Jail, Rohtak.
- VI.      HIMACHAL PRADESH
1. Sub-Jail, Simla.
- VII.     JAMMU & KASHMIR
1. Central Jail, Srinagar.
  2. District Jail, Baramulla.
- VIII.    KARNATAKA
1. Central Jail, Bangalore.
  2. Sub-Jail, Chikkapallapur.
  3. Open Air Jail, Koramangala.

IX. KERALA

1. Central Jail, Trivandrum.
2. Sub Jail, Trivandrum.
3. Sub Jail, Quilon.
4. Sub Jail, Attingal.
5. Open Prison, Nathakaltheri.

X. MADHYA PRADESH

1. Central Jail, Bhopal.
2. District Jail, Raisen.
3. District Jail, Vidhisha

XI. MAHARASHTRA

1. Central Jail, Yervada, Pune,
2. Women's Prison, Pune.
3. Arthur Road Prison, Bombay.
4. District Jail, Kalyan.
5. Sub Jail, Bhiwandi.
6. Jail Training School, Pune.

XII. MANIPUR

1. Central Jail, Imphal.
2. Camp Jail, Sajivia.

XIII. MEGHALAYA

1. District Jail, Shillong.

XIV. ORISSA

1. Central Jail, Cuttack.
2. District Jail, Bhubaneswar.
3. District Jail, Puri.
4. Sub Jail, Khurda.

XV. PUNJAB

1. Central Jail, Patiala.
2. High Security Prison, Nabha.

XVI. RAJASTHAN

1. Central Jail, Jaipur.
2. Central Jail, Jodhpur.
3. Open Jail, Durgapura (near Jaipur).

XVII. TRIPURA

1. Central Jail, Agartala.
2. District Jail, Udaipur.

XVIII. TAMIL NADU

1. Central Jail, Madras.
2. Central Jail, Vellore.
3. Sub Jail, Walajapet.
4. Women's Prison, Vellore.
5. Warders' Training School, Vellore.
6. Regional Institute for Correctional Administration (RICA), Vellore.

XIX. UTTAR PRADESH

1. Model Jail, Lucknow.
2. District Jail, Lucknow.
3. Women's Jail, Lucknow.
4. District Jail, Barabanki.
5. Central Jail, Agra.
6. Central Jail, Meerut.
7. Central Jail, Varanasi.
8. District Jail, Agra.
9. District Jail, Pauri.
10. Sub Jail, Roorkee.
11. District Jail, Bareilly.
12. Central Jail, Bareilly.
13. Jail Training Centre, Lucknow.

XX. WEST BENGAL

1. Presidency Jail, Calcutta (Central Jail).
2. Central Jail, Alipore.
3. District Jail, Howrah.
4. Sub Jail, Serampore.
5. Warder's Training Institute, Dum Dum.

XXI. DELHI

1. Tihar Jail.

XXII. CHANDIGARH

1. District Jail, Bureail, Chandigarh.

IMMEDIATE

No.V-16014/15/86-GPA.IV  
Government of India  
Ministry of Home Affairs

New Delhi-110001, the 29 Sept., 1986.

To

The Home Secretaries of  
All States and Union Territories.

SUB:- Setting up of a Group by the Government of India under the chairmanship of Shri R.K.Kapoor to study the security and discipline aspects of prison administration in the country-Issue of supplementary Questionnaire to the States/U.Ts.

Ref.1) Order No.V-16014/3/86-GPA.IV dated 29.7.1986 from the Ministry of Home Affairs.

2) MHA D.O. letter No.V-16014/3/86-GPA.IV date 7.8.1986 from Shri I.P.Gupta.Addl. Secretary to Chief Secretaries, all States/U.Ts.

3) MHA letter No.V-16014/3/86-GPA.IV dated 22.8.86.

Sir,

One of the important points connected with the security of prisoners relates to their escort from prison to courts or from one prison to another both within and even outside districts States. A number of escapes in the past have taken place during transportation of prisoners from one place to another. The responsibility of escorting prisoners to various places, when they are outside the premises of jail is in most States/U.Ts that of the local police. The Group which is studying the security and discipline aspects of prison administration is also examining the problems connected with the escort of the prisoners by the police. A brief questionnaire (in duplicate) in this connection including some related aspects connected with police is enclosed herewith. It is requested that replies (intriplicate) to this questionnaire and with any other suggestions and views, if any may please be sent to Shri A.K.Sharma, Director (P&CD), Ministry of Home Affairs, North Block-New Delhi-110001 who is the Coordinator and Secretary to the Group, by 15th October, 1986 positively. Copies of this letter together with the enclosure are being endorsed to Directorate General/Inspectors General of

Police of your State to facilitate advance action.  
They may also be requested to send their replies  
(intriplicate) to this Questionnaire and their views  
and comments to Shri A.K.Sharma by 15.10.1986.

Yours faithfully,

Sd/-

( R.S.TANWAR )

UNDER SECY. TO THE GOVT. OF INDIA.

No.V-16014/15/86-GPA.IV dated the Sept.,1986.

Copy with copies of Questionnaire (in duplicate)  
to the Directors General/Inspectors General(Police)  
of all States/U.Ts with request that they may send  
their replies in triplicate by 15.10.1986.

Copy to all Members of the Group.

Copy to BPRD with a similar request.

Sd/-

( R.S.TANWAR )

UNDER SECY. TO THE GOVT. OF INDIA.



Ministry of Home Affairs  
Group on Prison Security  
(Police related aspects)

QUESTIONNAIRE

Name of the State/U.T.

1. Is the responsibility for escorting prisoners from jails to various places like courts, other districts or from one State to another is that of the Police in your State ?
2. In your opinion, should be the responsibility of escorting prisoners to (i) Courts; (ii) hospitals/asylums; (iii) other places. be with the local Police or with the Jail Administration-advantages and disadvantages of the recommended system.
3. Are arrangements for escort and transportation satisfactory ?
4. Present system regarding providing armed Guard at Jail Premises.
5. (a) Any special norms for strength of escort party in respect of confirmed high security risk prisoners;  
(b) Any guidelines for carrying arms by such parties.
6. Is intimation about the escort party needed for escorting prisoners on any particulars day or time received by the police authorities well in time or full details of the type and number of prisoners and other persons to be escorted intimated ? What details, if any, are lacking ?
7. What is the yardstick prescribed for deciding the strength of an escort party? Is it adequate or needs some changes ? If changes are required, what steps, if any, you propose to initiate ?
8. Has proper evaluation been done in view of the fact that a number of escapes take place during transportation of prisoners from one place to another ?
9. Procedure when a prisoner is moved from one District to another and one State to another State. Whether escort party of other district/State is normally from starting station or comes from other district/State.



10. Is the required transport for carrying the escort party and the prisoners usually available ?
11. Often members of an escort party, while escorting one or more prisoners, remain on duty continuously for many hours, sometimes even for more than day (while escorting the prisoners from one district to another ). It would normally not be possible for the escort personnel to remain alert and vigilance for such long periods. What are your suggestions and recommendations in this connection ? Will it be advisable to follow some system of relieving an escort party by another at some intermediate station ? If so, what should be the drill another arrangements ?
12. (a) It is alleged that police escort parties are usually quite negligent while performing escort duties and they even allow relations and friends of prisoners to contact them while they are being escorted or in the court compounds, etc. It is also alleged that temptations of various types are offered to escort parties and they often succumb to them. What are your comments and views ? If these allegations are correct, then what measures you suggest to improve the situation?  
(b) Is approach/contact with others to the prisoners when they are being escorted from one place to another or in the court compounds (when they are in the charge of police escort parties) possible ?
13. What problems, if any, do the escort parties face in the courts ?
14. Are personnel detailed for escort duty, well trained in it, Do they know the 'dos and don'ts which they should follow while performing escort duty ?
15. What problems, if any, have been created by court rulings and orders from the point of security of prisoners being escorted by the police ? Please given details and your suggestions.
16. Should the responsibility of guarding the external periphery of prisons against attempts of external attack/mass attempts forescape, etc- be with the prison administration or local Armed Police.

17. Are offences particularly of assault, affray and riots, etc. within jail premises presently investigated and prosecuted by the local police or are invariably dealt with by jail authorities under their own powers ? Is with local police problems if any along with suggestions for improvement.
18. System for keeping watch over notorious prisoners released on parole by local police in their native places.
19. Number of escapes/attempted escapes during the last five years from (i) police custody(ii) police lock-ups; (iii) in transit while transporting by police escorts brief note on modus operandi in important cases and suggestions.
20. Specific judicial judgements regarding handcuffing, (single hand, both hands etc.) which dilute security.
21. Responsibility of custody while in hospitals and unitique asylums with police or medical staff.
22. With increasing number of economic offenders/ COFEPOSA detenus, terrorists in prisons etc. any system of collecting intelligence by screening visitors of hard-core criminals in jails.
23. Other problems which have not been covered by the above Questionnaire and your recommendations and suggestions ?



APPENDIX - VIII  
STATEMENT OF JAILS WITH CAPACITY  
AND POPULATION AS ON 30TH JUNE, 1986.

S.No.	State/UTs	Central Jails	District Jails	Prison for Women	Sub-Jails	Open Jails	Borstal Juven	Special Jails	Total	Capacity of Jails	Total population as on 30.6.86
1	2	3	4	5	6	7	8	9	10	11	12
1.	Andhra Pradesh	4	9	-	158	-	2	2	175	5539	7040
	Assam	-	18	-	2	1	-	1	22	5628	4186
	Bihar	8	29	1	32	-	-	-	70	22404	25451
	Gujarat	2	5	-	12	2	-	1	22	5114	4019
	Haryana	2	8	-	9	-	1	-	20	3455	3582
	Himachal Pradesh	1	1	-	7	1	-	-	10	561	344
	Jammu & Kashmir	2	6	-	3	-	-	-	11	1308	583
	Karnataka	6	6	-	80	-	2	-	94	7376	4378
	Kerala	3	1	-	32	1	1	1	39	5415	3344
	Madhya Pradesh	6	24	-	36	2	1	-	69	14714	17447
	Maharashtra	7	33	-	-	-	-	-	40	16737	12830
	Mizoram	1	-	-	2	-	-	-	3	547	690
	Naghalaya	-	3	-	-	-	1	-	4	426	392
4.	Nagaland	1	3	-	5	-	-	-	9	1250	543
15.	Orissa	-	13	-	47	-	1	2	63	6413	6427
6.	Punjab	7	5	-	12	2	1	-	27	7996	7700
17.	Rajasthan	5	21	1	56	5	1	-	89	7745	6478
18.	Sikkim	1	-	-	-	-	-	-	1	35	45
19.	Tripura *	1	2	-	7	-	-	-	10	814	421
	Tamil Nadu	8	-	1	119	3	-	3	134	15741	13776
	Uttar Pradesh	5	51	1	3	2	1	1	64	32633	30660
	West Bengal	5	11	-	31	1	-	3	51	18803	10463
	A & N Islands	-	1	-	-	-	-	-	1	105	171
	Arunachal Pradesh	No Jails			No Jails			No Jails			
25.	Chandigarh	-	1	-	-	-	-	-	1	316	147
26.	Dadra & Nagar Haveli	-	-	-	1	-	-	-	1	20	8
27.	Delhi	3	1	-	-	-	-	-	4	1823	3914
28.	Lakshadweep	-	-	-	3	-	-	-	3	-	-
29.	Goa, Daman & Diu	1	-	-	6	-	-	-	7	510	228
30.	Mizoram	1	3	-	1	1	-	-	6	503	418
31.	Pondicherry	1	-	-	3	-	-	-	4	285	245
	Total	81	255	4	667	21	12	14	1054	183616	165930

Note: \*Figures as on 31st March, 1986.

## APPENDIX IX

## STATEMENT OF PRISON POPULATION AND ITS BREAK

S.No.	State/UTs	Total Capacity Jails		Popula- tion	Con- victs	Under trials **	Other	Total
		I	II	III	IV	V	VI	VII
1.	Andhra Pradesh	175	5539	7040	3502	3487	51	7040
2.	Assam	22	5628	4186	787	2761	633	4186
3.	Bihar	70	22404	25451	5368	19671	412	25451
4.	Gujarat	22	5114	4019	1931	1972	116	4019
5.	Haryana	20	3455	3582	1711	1783	88	3582
6.	Himachal Pradesh	10	561	344	219	120	5	344
7.	Jammu & Kashmir	11	1308	583	203	301	79	583
8.	Karnataka	94	7376	4378	1473	2873	32	4378
9.	Kerala	39	5415	3344	2073	1237	34	3344
10.	Madhya Pradesh	69	14114	17447	6885	10342	221	17447
11.	Maharashtra	40	16737	12830	6196	6123	501	12830
12.	Manipur	3	547	690	34	502	154	690
13.	Meghalaya	4	426	392	18	271	103	392
14.	Nagaland	9	1250	543	194	308	41	543
15.	Orissa	63	6413	6427	2646	3756	25	6427
16.	Punjab	27	7996	7700	3658	3932	110	7700
17.	Rajasthan	89	7745	6478	2106	4346	21	6478
18.	Sikkim	1	35	45	13	32	-	45
19.	Tripura *	10	814	421	64	357	-	421
20.	Tamil Nadu	134	15741	13776	4626	8566	584	13776
21.	Uttar Pradesh	64	32633	30660	7688	22449	523	30660
22.	West Bengal	51	18803	10463	2458	6836	1169	10463
23.	A & N Islands	1	105	171	112	54	5	171
24.	Arunachal Pradesh	No Jails			No Jails			
25.	Chandigarh	1	316	147	73	74	-	147
26.	Dadra & Nagar Haveli	1	20	8	-	8	-	8
27.	Delhi	4	1823	3914	756	3135	23	3914
28.	Lakshadweep				No Prisoners			
29.	Goa, Daman & Diu	7	510	228	124	94	10	228
30.	Mizoram	6	503	418	135	260	23	418
31.	Pondicherry	4	235	245	68	177	-	245
Total		1054	183616	165930	55131	105832	4967	165930

Note: \* Figures as on 31st March, 1986.

\*\* This includes remand prisoners.